

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 14th February, 2025**

CALLED FOR HEARING :

7 TP/1317/2024 (E-filing)
WITH
WILL/465/2024

Mr. Sudhir Yadav, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioners. Ld. Advocate for petitioner undertakes to file through on-line an Affidavit of petitioner as the petitioner was not aware whereabouts of legal heirs of deceased as per order dated 16.01.2025. The said undertaking is accepted.
2. This petition is for Probate of last Will and Testament of deceased namely Jimmy Sorabji Major alias Jimmy Sorbji Major s/o. Sorabji Major. The said deceased died at Mumbai on 25.08.2023. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Aadhaar Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.
3. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 06.11.2020. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “B” and original is handed in separately for being filed and kept in safe place in the office of the Prothonotary and Senior Master of this Hon'ble Court.
4. Ld. Advocate for petitioners submits that both the petitioners are being Executrices appointed under the last Will and Testament of deceased.
5. Ld. Advocate for petitioner submits that deceased left behind his legal heirs shown in the paragraph No. 8 of the petition, as per the2

provisions of the Indian Succession Act, 1925. Parents of deceased predeceased the deceased. Deceased died as bachelor. Deceased had no brother and no sister. Ld. Advocate for petitioner submits that there are no legal heirs from paternal or maternal side of deceased. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.8 of the petition.

6. Ld. Advocate for petitioner further submits that as regards the properties mentioned in the Will and not shown in the schedule, description thereof is given in para No. 6 of the petition. Deceased left behind his the properties mentioned in Schedule I annexed to the petition after deducting the debts and liabilities are mentioned in para No. 7 of the petition and petitioner has paid the court fees accordingly.

7. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “B” is duly executed and witnessed by two attesting Witnesses namely Krutika I. Desai and Darius R. Dalal and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Krutika I. Desai dated 04.01.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted that Dr. P. M. Andhyarujina has issued certificate dated 04.11.2020 stated therein he is mentally sound enough.

It is further noted that in para No. 7 of the Affidavit of Attesting Witness stated that deceased was sound and disposing mind, memory and understanding to the best of his belief made and published the same of his free will and pleasure, without any pressure from anybody.

8. It is to be noted that deceased has specifically mentioned in the Will that “I declare that I am in good health and possess a sound mind. This Will is made by me without any presumption or coercion and out of my own

independent decision only”.

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9. In the present petition, General Citation was issued on 22.04.2024 and Affidavit of Service of General Citation to that effect is filed on 25.06.2024. As per submission of Master (Admin) Notice to Collector is issued. Ld. Advocate for petitioner submits that whereabouts of the legal heirs of deceased are not available with the petitioner hence, they have taken out Chamber Order No. 496 of 2024 to serve the legal heirs of deceased by way of paper publication. The said Chamber Order was granted by order dated 24.10.2024 and petitioner was directed to publish the Citation in two newspapers viz. “Free Press Journal” in English language on 25.11.2024 and “Jam-E Jamshed” in vernacular language i.e. Gujarati on 24.11.2024 and accordingly, Affidavit of Service of Publication dated 02.12.2024 is filed through e-filing and the same is on record. Ld. Advocate for petitioner further submits that no Caveat or objection is filed in the present petition till date hence, the present petition may be proceeded ahead. All other legal formalities are complied with.

10. After perusal of the petition, Will and submission made by Advocate for petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and probate be granted to the Petitioners herein having effect throughout in India.
- 2) Before issuance of above said Probate, office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.
- 3) Office to issue grant subject to compliance of undertaking given by the Advocate for petitioner and the same is approved by the Registry.

14.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

