

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 16th January, 2025**

CALLED FOR COMPLIANCE :

24 TP/2107/2024 (E-filing)
WITH
WILL/865/2024

Mr. Milind Parab i/b. FZB Associates, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioners. This petition is for Probate of last Will and Testament of deceased namely Dinoo Jehangir Billimoria . The said deceased died at Mumbai on 28.07.2020. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Pan Card of the said deceased is hereto annexed and marked as Exhibit – “B”.
2. Ld. Advocate for petitioner submits that petitioner has explained the delay in para No.12 of the petition as per Rule 382 of the Bombay High Court (Original Side) Rules, 1980.
3. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 21.01.2003. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “C” 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 petitioner submits that petitioner being one of the Executors appointed under the last Will and Testament of deceased. The middle name of the Petitioner is wrongly mentioned in the Will as "Faramroz" and is mentioned correctly as "Framroze" in the Petition. The other Executor namely Jehangir Maneckji Billimoria has expired on 9th April, 2003.2

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5. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 10 of the petition, as per the provisions of the Indian Succession Act, 1925 applicable to Parsis. Parents of deceased predeceased the deceased. Husband of deceased namely Jehangir Manekji Billimoria predeceased the deceased. Deceased was survived by one son namely Jimmy Jehangir Billimoria, daughter-in-law namely Almitra Neville Billimoria and two grandsons namely Ness Neville Billimoria and Jamie Neville Billimoria. Consent Affidavits of Jimmy Jehangir Billimoria dated 07.03.2024, Almitra Neville Billimoria dated 04.03.2024, Ness Neville Billimoria dated 07.03.2024 and Jamie Neville Billimoria dated 07.03.2024 are filed through e-filing and the same are on record. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.10 of the petition.

6. Ld. Advocate for petitioner further submits that properties which are left behind by deceased and which are specified in Schedule I annexed to the petition as Exhibit - "D" and all the items which are permissible by law and and Schedule II to be deducted for the purpose of ascertaining the net estate of the deceased. The assets of deceased after deducting the items in Schedule II annexed to the petition is of Rs.7,99,97,500/- and petitioner has paid necessary court fees for the same.

7. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – "C" is duly executed and witnessed by two attesting Witnesses namely Phiroze Driver and Darius Mehta who died in the year 2015 and 2016 respectively. Hence, Affidavit of Almitra Neville Billimoria dated 04.03.2024 is filed and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980. Thereafter, pursuant to directions passed by the Hon'ble Court (Coram : N. J. Jamadar, J.) dated 29.11.2024 the Additional Affidavit of Almitra Neville Billimoria dated 26.11.2024 is3

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filed through e-filing and Affidavit of Faredon Dinshaw Mehta, being Attesting Witnesses to the Will is filed and the same is taken on record and department is directed to proceed with the petition in accordance with law.

It is to be noted in para No. 13 of the Affidavit of Attesting Witness that deceased was of sound and disposing mind, memory and understanding and to the best of his belief made and published the same of her free will and pleasure.

8. In the present petition, General Citation was issued on 29.04.2024 and Affidavit of Service of General Citation to that effect is filed on 11.06.2024. As per submission of Master (Admin) Notice to Collector is issued. All other legal formalities are complied with.

9. 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 the State of Maharashtra.
- 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.

16.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**