

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 26th August, 2025

FOR COMPLIANCE:

96. TP/2374/2025 P. C. : Shri. B. G. Saraf a/w Shri. Suyash Kalbhor Ld.
[Original]
(ECHCBM020158320 Advocate for the Petitioner
24)
with
WILL/928/2025

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Bai Banoobai Jamshedji Dubash alias Banoobai Jamshedji Dubash (herein after the same is referred to as “Testatrix”), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Mumbai on 09.12.2013. Petitioner, namely Niloufer Noshir Dastur nee Niloufer Noshir Dubash, filed the copy of death certificate, identity proof of the testator, Will and petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short “Rules”).

4) The executor, namely Framroz Shavaksha Dubash is reported to have been died on 12.03.2011. Furthermore, other executor namely Allo Noshir Dubash was suffering from the parkinsons’ disease and therefore, the Hon’ble Court appointed the petitioner as her legal guardian vide an order dated 19.10.2023 (Exh. B-1). During pending this petition, the sole executrix, namely Allo Noshir Dubash, reported to have been died on 22.02.2024. Hence, the petitioner has taken out a Chamber Order, having CHOL/148/2025. Upon hearing, Addl. Registrar (O.S.) /Addl. Prothonotary and Senior Master allowed the petitioner to carry out an amendment in the existing petition, as stated in the Schedule (Exh.B) annexed to the said Chamber Order.

5) The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.

6) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 02.01.1991, in English language. The Will is handed in separately for being filed and kept in a safe place in the Office of the Prothonotary and Senior Master, High Court, Bombay.

7) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 8 and Rider annexed thereto, as per the provisions of Indian Succession Act, 1925, applicable to Zoroastrian Parsi. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heirs of the testatrix have consented to the petition and thereby waived the service of Citation.

8) Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

9) The petitioner has filed the affidavit of Shrikant Dattaram Pansare one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

10) Properties mentioned in the schedule-I of the petition are referred in the Will.

11) Other legatees, namely Mehrzin Cyrus Turel, has given consent to grant Letters of Administration to petitioner.

12) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

1) Petition is granted.

2) Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect throughout India.

3) Before issuance of Letters of Administration with Will, the office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

26th August, 2025

**Officer on Special Duty,
with Testamentary Department**