

**BEFORE : MRS. KAVITA Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 20th November, 2025**

CALLED FOR HEARING :

18 TP/2710/2024 (E-filing)

Ms. Raajkunwar Jaywant, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased filed by petitioner namely Homai Rashid Irani being sole Executor named under the Will of deceased. The deceased namely Banoo Daran Mehta died at Australia on 09.08.2006. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Passport is annexed to the petition.
2. The deceased left behind her last Will and Testament which was duly executed at Australia on 22.02.1994. The said Will is in English language. The Para No. 1 of the Will refers to the appointment of Executor. Only one Executor appointed under the Will who is petitioner herein. Residuary clause in respect of properties of deceased is mentioned at para No. 3 of the Will.
3. Ld. Advocate for petitioner submits that parents and husband of deceased predeceased the deceased. Deceased was survived by two sons and two daughters. Out of them one daughter is petitioner herein and the another daughter and one son have been served with the citation through newspaper publication and Affidavit dated 28.07.2025 is filed to that effect. **Affidavit of Service of Son namely Minoo Dharan Mehta has not found.** There are no other legal heirs.
4. Petitioner's oath is filed. As per para No. 6 of the petition, the original Attesting Witnesses to the Will are not available therefore, Affidavit of Rashid Faridoon Irani is filed as an Affidavit of Attesting Witness dated 10.01.2024 and the same is accepted as per the provisions of Rule 384 of the Bombay High Court (Original Side) Rules, 1980. **Affidavit of Service of General Citation is not filed. Ld. Advocate for petitioner seeks leave to issue General Citation in this matter. Hence, office to issue General Citation in this matter.**
5. Ld. Advocate for petitioner file praecipe to place on board as and when the matter is completely ready for final grant.

20.11.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**