

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 14th August, 2025**

CALLED FOR HEARING :

15 TP/2740/2024 (E-filing)

Mr. Sudhir Yadav i/b. Manoj Mane, 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 Pervez Minocher Mistry being one of the Executors named under the Will of deceased. The deceased namely Minocher Rustomji Mistry died at Mumbai on 07.09.1990. 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 his last Will and Testament which was duly executed at Mumbai on 17.01.1982. The said Will is in English language. The Para No. 2 of the Will refers to the appointment of Executors. Only four Executors appointed under the Will. Petitioner is one of the executors and another executrix namely Freny has expired and copy of death certificate is annexed to the petition as Exhibit – “C”. Other two executors namely Zarin Fredun Devitre and Perin Kayoji Mirza have renounced their rights to act as an Executors and Affidavits dated 16.10.2023 and 22.11.2023 are filed to that effect respectively.
3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Widow of deceased since deceased the deceased. Deceased was survived by one son and two daughters. Out of them son is petitioner herein and both the daughters have given their consents in favour of the petitioner. Consent Affidavits are on record. There are no other legal heirs.
4. Petitioner's oath is filed. Petitioner has filed Affidavit dated 21.10.2024 stating that both the original Attesting Witness have expired therefore, this Affidavit is filed under Rule 384 of the Bombay High Court (Original Side) Rules, 1980. The said Affidavit is accepted. Affidavit of Service of General Citation dated 10.07.2024 is filed. All other legal formalities are complied with. Hence, petition is granted.
5. Office to issue Probate as prayed after verifying whether any cross petition is filed or whether any caveat is filed.

14.08.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

