

**BEFORE : MRS. R. V. RANE ,  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
Date: 17<sup>th</sup> February, 2025**

**CALLED FOR HEARING :**

13 TP/2951/2024 (E-filing)

Mr. Suchitra R. Sabale, Advocate for petitioner

**PC :** 1. Perused Petition. Heard Ld. Advocate for petitioners. Ld. Advocate for petitioner seeks permission to delete the name of Viraf Eruch Ghyara from the chart of the legal heirs since he has only beneficiary and not as legal heirs of deceased and to carry out corrections in para No. 9 of the petition with respect to specifying the relationship of legal heirs of deceased. The said corrections are allowed. Ld. Advocate for petitioner to carry out the said corrections forthwith. Advocate for petitioner to re-upload the corrected version of the petition on the official portal of the Bombay High Court. At the request of Ld. Advocate for petitioner, re-verification is dispensed with.

2. This petition is for Probate of last Will and Testament of deceased namely Amy Sorabji Icchaporia. The said deceased died at Mumbai on 14.12.2023. 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 - “B”.

3. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 09.01.2017. 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.

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4. Ld. Advocate for petitioners submits that petitioner is being Executor appointed under the last Will and Testament of deceased.

5. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 9 of the petition, as per the provisions of the Indian Succession Act, 1925. Parents of deceased predeceased the deceased. Deceased died as spinster. Deceased left his behind one brother namely namely Minoo Sorabji Ichhaporia who died as bachelor. Sister of deceased namely Khorshed Minocher Kheshwala died on 09.10.1972. Deceased was survived by niece namely Villy Viraf Ghyara alias Villy Minocher Keshwala and son-in-law namely Viraf Eruch Ghyara. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.9 of the petition.

Ld. Advocate for petitioner further submits that Consent Affidavits of Villy Viraf Ghyara alias Villy Minocher Keshwala and Viraf Eruch Ghyara dated 30.03.2024 are filed and they have given their consents in favour of petitioner namely Burgess Viraf Ghyara. The said consent Affidavits are annexed to the petition at page Nos. 45 to 51.

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 her the properties mentioned in Schedule I annexed to the petition after deducting the debts and liabilities shown in Schedule II annexed to the petition, 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 – “C” is duly executed and witnessed by two attesting Witnesses namely Jehangir Jimmy Vasania and Behram Mehta and as per the provisions of Rule 374 of the Bombay High Court (Original Side) .....3

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Rules, 1980, the Affidavit of Jehangir Jimmy Vasania dated 30.03.2024 and Behram Mehta dated 30.03.2024 both being the Attesting Witnesses to the Will are filed and the same is on record. It is to be noted that certificate issued by Dr. S. H. Aghariya dated 05.01.2017 stated that she is not suffering from any mental and physical diseases. She is fit to make her legal documentation and will with her full consciousness.

It is further noted in the Affidavit of Attesting Witnesses that deceased was of sound and disposing mind and memory and to the best of his belief published the same of their own free will and pleasure.

8. It is to be noted that deceased has specifically mentioned in the Will that “I am maintaining good health and am of sound mind. This Will is made by me of my own independent decision and free mind and volition and in sound health. I have not been coerced or influenced by any person, whatsoever in the execution of this Will”.

9. In the present petition, General Citation was issued on 24.06.2024 and Affidavit of Service of General Citation to that effect is filed on 30.08.2024. As per submission of Master (Admin) Notice to Collector is issued. 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 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. ....4

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3) Office to issue grant as soon as after filing of the corrected version of the petition on the official portal of the Bombay High Court and the same is approved by the Registry.

**17.02.2025**

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**