

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 20th January'2025**

Sr. No. – 40-TP/4152/2024 with
WILL/1637/2024
(ECHCBM02155182024)

Mr. Harsh Nishar, Advocate for the petitioner.

For Compliance :

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Roshan Khushru Bhadha who died at Mumbai on 09.07.2023. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

2. Advocate for the petitioner submits that the said deceased, at the time of her death, was governed by the Indian Succession Act, 1925 and having fixed place of abode at Flat No.14, First Floor, M Cama Park L-2, Andheri (West), Mumbai- 400 058 and left property within Greater Bombay and in the State of Maharashtra.

3. That the deceased has left a writing, which is her last Will and Testament dated 06.05.2014. The said Last Will and Testament dated 06.05.2014. The original of the said last Will and Testament is marked as Exhibit 'C' and 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. The said Will is in English language and copy of the same is annexed to the petition at Exhibit “C” to the petition.

4. Advocate for the petitioner submits that the Petitioner is the Sole Executor namely Khushroo Dinshaw Bhadha in the said Last Will and has filed for Probate in his capacity as the Sole Executor of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased i.e. Roshan Khushru Bhadha at Mumbai in the presence of (1) Zarine Bomie Patel (2) Mehli Noshirwan Irani on 06.05.2014. The said Will unregistered. The said will is annexed as Exhibit “B” to the petition.

6. Advocate for the petitioner submits that the properties which were left behind by the deceased and which are specified in the Schedule no. I which is annexed to the petition as Exhibit “C” to the petition and all the items which are permissible by law to be deducted for the purpose of ascertaining the net estate of the deceased. annexed to the petition is of Rs. 1,02,07,427.48/- and the petitioner has paid necessary requisite court fees for the same.

7. Advocate for the petitioner submits that the said will is in English language and will is duly executed and signed by the testatrix/deceased i.e. Roshan Khushru Bhadha and two witnesses viz. (1) Mehli Noshirwan Irani who is residing at Flat No.12, Cama Park Building No.L2, Cama Road, Near Municipal Office, Andheri (West), Mumbai-400058 and (2) Zarine Bomie Patel who is residing at L2/12, Cama Park, Cama Road, Andheri (West), Mumbai-400058.

Advocate for the petitioner submits that it is mentioned in the Affidavits of Attesting witness that at the time of execution of said will the said deceased confirmed subscribing her signature to the said Will and she was of sound and disposing mind, memory and understanding and to the best of my belief made and published the name of her free will and pleasure.

8. Advocate for the petitioner submits that as per requirement of Rule No. 374 of High Court Original Side Rule 1980 and Indian Succession Act, 1925, the affidavit of one of the attesting witness viz. Mehli Noshirwan Irani is annexed as page no. 18 to 22.

9. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The husband of the deceased viz. Dinshaw Framji Bhadha predeceased the deceased on 10.10.1969. The copy of the death certificate is annexed as Exhibit "D".

After the demise of the First Husband, the deceased remarried to Mr. Khushru Maneckshaw Bhadha, on 19/04/1981, out of the Second marriage of the deceased and Mr. Khushru Maneckshaw Bhadha had no child. Therefore, as per Government Gazette published on June 13, 1985, the deceased has changed her name from "Roshan Dinshaw Bhadha" to "Roshan Khushru Bhadha". Copy of Government Gazette published on 13.6.1985 annexed as Exhibit "E".

Advocate for the petitioner submits that the Second Husband viz. Khushru Maneckshaw Bhadha, also pre-deceased the deceased, died on 28/08/2015. Copy of the death certificate is annexed as Exhibit "F".

Advocate for the petitioner submits that the deceased had Only One Son, out of her first marriage, who is the Petitioner herein. That the deceased had no Daughter and no other Son.

Advocate for the petitioner submits that the deceased left behind her legal heir viz. Khushroo Dinshaw Bhadha (son of the deceased/petitioner herein).

10. In the present petition the General citation was issued on **23.08.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **24.09.2024** for proving General citation. Notice to Collector is issued. After perusal of the petition, will and submission made by the Advocate for the petitioner, the petition

deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and the probate be granted to the petitioner herein having effect throughout in the State of Maharashtra and throughout India.
- 2) Before issuance of the probate, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**