

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY PETITION NO. 4758 OF 2024**

Umesh Keshavdeo Ganeriwala ...Petitioner

Keshavdeo Ramdutt Ganeriwala ...Deceased

Mr. Jayesh Mestry for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATED : 12<sup>th</sup> MARCH 2025

**P.C. :**

1 Learned Counsel for petitioner seeks dispensation of the following requisition dated 21<sup>st</sup> December 2024 :-

*"1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is filed for Probate of last Will and Testament of deceased namely Viloo Minoo Shroff. Ld. Advocate for petitioner submits that in this matter original Will is not traceable hence, they have filed the present Petition on the basis of photocopy of the Will and Testament of deceased which is in Gujarati language.*

*2. Since, the original Will is not available, Ld. Advocate for petitioner to obtain necessary directions from the Hon'ble Court, so that the petition can be proceeded ahead on the basis of the photocopy of the Will, as per the provision of sections 237 and 238 of the Indian Succession Act, 1925.*

*3. Ld. Advocate for petitioner is directed to comply with the directions of order dated 09.10.2024.*

*4. Notice to Collector is awaited. Hence, office to verify and issue Notice to Collector and accordingly, update the same on the CIS system.*

*5. List the matter on 03.01.2025."*

2 The Learned Counsel pointed out that as per Section 237 of the Indian

Succession Act 1925, the Court will always grant probate on a copy or draft of the said Will, until such time the original or a properly authenticated copy of it is produced.

3 In the light of the clear provision of the Indian Succession Act, the aforesaid requisition is dispensed with.

**(ARIF S. DOCTOR, J.)**