

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 09th September, 2025

FOR COMPLIANCE:

80. TP/4879/2024 P. C. : Ms. Neha Surte i/b Vidya Chaudhari Ld.
[Original]
(ECHCBM021526020 Advocate for the Petitioner
24)

with
WILL/1945/2024

1) This petition is filed by petitioner, namely Darab Rustom Talyarkhan, being constituted Power of attorney of one of the executrix of the Will, namely Natasha Nrityum Talyarkhan. Petitioner claims that the deceased Rishad Talyarkhan alias Rishad Rustomji Faredoonji Sohrabji Talyarkhan (herein after the same is referred to as "Testator") has executed the Will. Hence, vide Sec. 241 of the Indian Succession Act, 1925 (for short "IS Act") he has filed this petition for grant of a Limited Letters of Administration with Will annexed. Said Testator said to have died at London on 31.10.2015. Petitioner, namely Darab Rustom Talyarkhan, filed the copy of death certificate, identity proof of the testator, Will & petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").

4) The executor, namely SURMAYA TALYARKHAN, has relinquished her right to apply for the probate of the Will vide an affidavit affirmed on 28.08.2025. he petitioner is the Constituted attorney of Natasha NrityumTalyarkhan Widow of late Mr. Rishad Talyarkhan alias Rishad Rustomji Faredoonji Sohrabji Talyarkhan and surviving executrix under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 04.12.2011, in

English language. The Will 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.

6) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heir of the testator has consented to the petition and thereby waived the service of Citation.

7) Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980 (for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

8) The petitioner has filed the affidavit of Kiran Graves, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence as well as presence of another witness, after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to her all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

9) Properties mentioned in the schedule-I of the petition are referred in the Will.

10) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1)** Petition is granted.
- 2)** Office to issue Limited Letters of Administration with Will annexed to the petitioner, vide Sec. 241 of the Indian Succession Act, 1925, renouncing the right of the Executor namely SURMAYA TALYARKHAN, as per the Rules, having effect throughout India.
- 3)** Before issuance of Letters of Administration with Will, the office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

09th September, 2025

**Officer on Special Duty,
with Testamentary Department**