

**BEFORE : MRS. KAVITA Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 23rd September, 2025**

CALLED FOR HEARING :

26 TP/4903/2024 (E-filing)

Mr. Atish Mahade a/w. K. S. Bharucha, 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 Rukhsar Vispi Mistry being one of the Executors named under the Will of deceased. The deceased namely Nergesh Darab Mistry died at Mumbai on 04.03.2023. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Aadhaar Card is annexed to the petition.
2. The deceased left behind her last Will and Testament which was duly executed at Mumbai on 06.09.2004. The said Will is in English language. The Para No. 1 of the Will refers to the appointment of Executors. Only three Executors appointed under the Will. Petitioner is one of the Executors and remaining two executors namely Rusi Framroze Bhathena and Pervez Minocher Mistry have renounced their rights to act as an executors and Affidavits dated 25.04.2024 and 01.11.2023 is filed to that effect.
3. Ld. Advocate for petitioner submits that husband of deceased predeceased the deceased. One son of deceased namely Vispi predeceased the deceased leaving behind his widow and two sons. Deceased was survived by one daughter-in-law and two grandsons. Out of them daughter-in-law is petitioner herein and both the grandsons 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. Ld. Advocate for petitioner points out that the petitioner has mentioned the reason for non-availability of original two Attesting Witnesses in the Interim Application No. 2198 of 2025 in para Nos. 2.7 and 2.8 of the said Application and has requested to accept the Affidavit of petitioner as an Affidavit of Attesting Witness to the Will. Therefore, Petitioner has filed the Affidavit dated 08.07.2024.
-2

-- 2 --

The same is accepted as per Rule 384 of the Bombay High Court (Original Side) Rules, 1980. Affidavit of Service of General Citation dated 29.11.2024 is filed. All other legal formalities are complied with. Hence, petition is granted.

5. Office to issue Probate **subject to orders in Chamber Order (L) No. 402 of 2025 and IA No. 2198 of 2015** and after verifying whether any cross petition is filed or whether any caveat is filed.

23.09.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**