

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 2nd January 2025**

Sr. No. – 18-TP/5255/2024

(AMH20240129441C202400001)

Mr. Sid Desai, Advocate for the petitioner.

Mr. Pariket Shah a/w. Soumya Mishra i/b. KJAC Associates
for petitioner.

For Hearing :

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. JEHANGIR HORMUSJI RANDERIA who died at Mumbai on 02.04.2024. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A" to the petition.

2. Advocate for the petitioner submits that the said deceased, at the time of his death, was governed by the Indian Succession Act, 1925 and having fixed place of abode at 1st floor, Room No. 5, 11/5 Mody Building, Gamadia Colony, Grant Road, Mumbai – 400007 and left property within Greater Mumbai and elsewhere in India.

3. That the deceased has left a writing, which is his last Will and Testament dated 07.11.2011. The said Last Will and Testament dated 07.11.2011. The original of the said

last Will and Testament is marked as Exhibit 'B' 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 "B1" to the petition.

4. Advocate for the petitioner submits that the Petitioner is the Sole Executrix namely Dilnavaz Jehangir Randeria, in the said Last Will and has filed for Probate in his capacity as the Sole Executrix of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at 11, Mody Building, Room No 5, 1st floor, Gamadia Colony, Tardco, Mumbai 400 007 in the presence of (1) Bomi E. Patel and (2) Adil F. Rivetna on 07.11.2011. The said will is annexed as Exhibit "B" at page no. 14 to 15.

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 schedule II to be deducted for the purpose of ascertaining the net estate of the deceased. The assets of deceased after deducting the items in Schedule I annexed to the petition is of Rs. 1,90,75,000/-

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 testor/deceased i.e. JEHANGIR HORMUSJI RANDERIA and two witnesses viz. (1) Bomi Eruch Patel, who is residing at at 804-D, Jai Bhagwati, Dr. Ambedkar Road, Dadar (E), Mumbai – 400014 (2) Adil F. Rivetna who is residing at 668, Desai Building, Opp. Wadala Church, Wadala, Mumbai – 400031. It is to be noted that the said deceased subscribed his signature to the said Will as aforesaid Sd/- i.e JEHANGIR HORMUSJI RANDERIA he was of sound and disposing mind, memory and understanding and to the best of his belief made and published the same as of his 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 the attesting witness viz. (1) Bomi Eruch Patel, (2) Adil F. Rivetna. The Affidavits of attesting witness is annexed as page no. 18 to 23.

9. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The deceased left behind him widow and two sons his legal heirs viz. (1) Dilnavaz Jehangir Randeria (2) Frayoz Jehangir Randeria

and (3) Rohan Jehangir Randeria. Frayoz Jehangir Randeria and Rohan Jehangir Randeria had given their consent. The Consent Affidavits are annexed to page no. 24 to 27.

10. In the present petition General citation was issued on **14.11.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **06.12.2024** 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 elsewhere in 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**