

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 8th July, 2025**

CALLED FOR HEARING :

17 TP/5623/2024 (E-filing)

Mr. Malcolm Vaz i/b. Sanjay Rego, 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 Noshir Eduljee and Behram Tehmurasp Dastur being Executors named under the Will of deceased. The deceased namely Ld. Col. Freddy Eduljee died at Mumbai on 01.02.2017. 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 his last Will and Testament which was duly executed at Mumbai on 05.01.2009. The said Will is in English language. The Para No. 2 of the Will refers to the appointment of Executor. Only four Executor appointed under the Will. Petitioners are the executors. Ld. Advocate for petitioner has filed Affidavit dated 28.05.2025 stating therein that the Executor namely Dinoo Freddy Eduljee has expired on 21.07.2023 and another executor namely Hoshang Munchersha Elavia is not traceable and petitioner is not in touch with the said Hoshang Elavia. In view of this, the said Hoshang Elavia has deemed to have reserved this rights as an Executor.
3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Wife of deceased died on 21.07.2023. Deceased was survived by two sons who have given their consents in favour of the petitioners. Consent Affidavits are on record. There are no other legal heirs.
4. Petitioner's oath is filed. Affidavit of Behram Tehmurasp Dastur dated 03.05.2024 one of the Attesting Witness to the Will is filed. Affidavit of Service of General Citation dated 15.01.2025 is filed. All other legal formalities are complied with. Hence, petition is granted.
5. Office to issue Probate as prayed after verifying whether any cross petition is filed or whether any caveat is filed.

08.07.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**