

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 20th June, 2025**

CALLED FOR HEARING :

9 TP/1198/2025 (E-filing)

Ms. Vidhi Chikhal i/b. Satyan Israni, Advocate for petitioner

P.C.: 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner state that Probate of Will which is in English language be granted. This petition is for Probate of last Will and Testament of deceased filed by petitioner namely Amrish Rameshchandra Daftary being sole Executor named under the Will of deceased. The deceased namely Sarla Jawaharlal Daftary died at Mumbai on 14.01.2025. 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 13.02.2020. The said Will is in English language. The Para No. 2 of the Will refers to the appointment of Executor. Only one Executor appointed under the Will. As per para No. 1 of the Will, executor Rameshchandra Daftary and on his death the Amrish Rameshchandra Daftary is appointed as Executor. Ld. Advocate for petitioner submits that the said Rameshchandra Daftary has informed the legal heirs of deceased by letter dated 31.01.2025 that due old age and ill-health, he cannot perform his duties as an Executor and he renounced his rights as executor. The said letter is annexed to the petition as Exhibit – “D”. The said Amrish Rameshchandra Daftary is petitioner herein. There are no other executor appointed under the Will.

3. Ld. Advocate for petitioner submits that husband of deceased predeceased the deceased. Deceased was survived by two sons and one daughter who all 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. Affidavits of Dharmesh Narayandas Pandya and Ashwin Kantilal Shah dated 11.02.2025 both the Attesting Witnesses to the Will are filed. Affidavit of Service of General Citation dated 09.04.2025 is filed.

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5. **Ld. Advocate for petitioner submits that Probate be granted of the Will which is in English language. The said Will is signed by the deceased in vernacular language. However, there is no averment in the Affidavit of Attesting Witness whether Will was interpreted or explained to the deceased or not. Advocate to take steps.**

6. Ld. Advocate for petitioner file praecipe to place on board as and when the matter is ready for final grant. Hence, remove from board.

20.06.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**