

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

CALLED FOR HEARING :

23 TP/3056/2025 (E-filing)

Mr. Jayant Wani a/w. Jyoti Badgujar i/b. Lakdawala and Co., Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for double Probate of last Will and Testament of deceased filed by petitioner namely Malcolm Jamshed Kavarana being sole surviving Executor named under the Will of deceased. The deceased namely Jal Ruttonsha Kavarana died at Mumbai on 14.09.2000. Copy of death certificate is annexed to the petition. Petitioner has filed Affidavit dated 03.06.2025 for non-availability of identification proof of deceased. The same is accepted.

2. The deceased left behind his last Will and Testament which was duly executed at Mumbai on 08.12.1995. 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 another executor namely Minoo Rattonsha Kavarana died on 19.09.2002 and remaining executor namely died on 06.07.2007 hence, copies of death certificates are annexed to the petition as Exhibit – “C” and “D”. Residuary clause in respect of properties of deceased is mentioned at para No. 4 of the Will.

3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased died as bachelor. Deceased had two brothers who both are died leaving behind their legal heirs mentioned in para No. 8 of the petition. Deceased was survived by one sister-in-law and one nephew. Out of them nephew is petitioner herein and sister-in-law has given her consent in favour of the petitioner. Consent Affidavit is on record. There are no other legal heirs.

4. Petitioner's oath is filed. As per para No. 3 of the petition, there is another TP No. 23 of 2001 for Probate is filed for the properties of the same deceased and Will dated 08.12.1995 and it was granted on 26.07.2001 in favour2

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of Minoor Kavarana and Malcolm Jamshed Kavarana since it was granted to both of them and one of the petitioner namely Minoo has expired therefore, the petitioner has filed the present petition for Probate of the same Will. As per para No. 9 of the petition, the petitioner has stated that some of the properties has remained unadministered. Affidavit of Service of General Citation dated 22.07.2025 is filed. All other legal formalities are complied with. Hence, petition is granted.

5. Office to issue double Probate as prayed after verifying whether any cross petition is filed or whether any caveat is filed.

08.10.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**