

**BEFORE : MRS. KAVITA Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 12th November, 2025**

CALLED FOR HEARING :

20 TP/3760/2025 (E-filing)

Ms. Avan Ardeshir i/b. Mulla and Mulla and Craigie Blunt and Caroe, Advocate for petitioners

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased filed by petitioners namely Meheroo Rajiv Sahai and Jehangir Nariman Mistry being Executors named under the Will of deceased. The deceased namely Rusi Byramji Mistry died at Mumbai on 25.11.2014. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Pan Card is annexed to the petition.
2. The deceased left behind his last Will and Testament which was duly executed at Mumbai on 29.06.1989. The said Will is in English language. The Para No. 1 of the Will refers to the appointment of Executors. Only two Executors appointed under the Will who are petitioners herein. Residuary clause in respect of properties of deceased is mentioned at para No. 5 of the Will.
3. Ld. Advocate for petitioner submits that parents and wife of deceased predeceased the deceased. Deceased was survived by one daughter who is petitioner No. 1 herein. There are no other legal heirs.
4. Petitioner's oath is filed. Ld. Advocate for petitioner states that the original two Attesting Witnesses to the Will expired and the same is stated in the Affidavit of Marina Sunil Gandhi dated 04.07.2025 who was present at the time of execution of the Will. Ld. Advocate for petitioner further states that the said Marina Gandhi therefore filed as an Affidavit of Attesting Witnesses to the Will and the same may be accepted as per Rule 384 of the Bombay High Court (Original Side) Rules, 1980. The same is accepted. Copies of death certificates of the said original Attesting Witnesses are annexed to the said Affidavit. Affidavit of Service of General Citation dated 14.08.2025 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.

12.11.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**