

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 27th January 2026

FOR COMPLIANCE:

94. TP/4747/2025	) Shri. Prabhu Velar a/w Ms. Bhakti Patil Ld.
(AMH20240128529C202500117)	) Advocate for the Petitioner
with	)
WILL/1823/2025	)

P.C.:

- 1) Petitioner, namely Rashida Shavak Todiwalla, filed this petition, being the one of the legatees under the Will executed by Cali Phirozshaw Toddywalla alias Cali Phirozeshaw Toddywalla alias Cawasji Phirojshaw Toddywalla (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator said to have died at Mumbai on 01.06.2006.
2. Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will and its typed copy and petitioner's oath.
3. The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
4. On of the executor, namely Meher Maneckji Anklesaria, has relinquished executorship by filing an affidavit at Ex. D of the petition.
5. The executors, namely (1) Silloo Kaikhushru Kavarana, (2) Jamshed Phirozsha Toddywalla & (3) Shiavux Rustamji Mistry, are reported to have died on 17.10.2005, 26.12.2001 and 27.09.2022 and their death certificates have been filed on the record. The petitioner is the one of the legatee under the Will. Hence, the petition is tenable.
6. Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 23.02.2002, in English language. The Will is handed over separately for being filed and kept in a safe place in the Office of the Prothonotary and Senior Master, High Court, Bombay.
7. Ld. Advocate for the petitioner submits that the testator is survived by petitioner, Farida Khushru Fazal nee Farida Shavak Todiwalla, Guloo Marzban Austin nee Guloo Kaikhushru Kavarana and Farrokh Kaikhushru Kavarana, as his legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of the Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation.
8. Citation to all Concern was issued and same has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office

at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980 (for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

9. The petitioner has filed the affidavit of FIROZA MANECKJI ANKLESARIA one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence and the deceased was in sound state of mind at the time of execution of the Will. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to him all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

10. Properties mentioned in the schedule-I of the petition are referred in the Will.

11. Other legatee, namely Jamshed Phirozsha a brother died as bachelor. Silloo Kaikhushru Kavarana a sister predeceased the deceased on 17.10.2005. Another brother, Shavak Todiwall, died on 07.03.1985 and his Wiodw Najoo died on 22.09.2015, left the petitioner and Farida, as her heirs. Petitioner filed an affidavit dated 27.01.2026 and thereby stated that parents of Najoo Toddywalla {i.e., Putlibai Darabshaw Kavarana (father) and Darabshaw Rustomji Kavarana (mother)} predeceased her. Legal heirs are consented to the petition.

12. Furthermore, the some property is bequeathed to the charitable institution and therefore the petitioner has served the copy of the Will upon the Office of the Charity Commissioner for the State of Maharashtra, vide Sec. 53 of the Maharashtra Public Trust Act, 1950.

13. Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1) Petition is granted.
- 2) Office to issue Letters of Administration with Will annexed to the petitioner, renouncing the right of the Executor namely Meher Maneckji Anklesaria, as per the Rules, having effect throughout India.
- 3) Before issuance of Letters of Administration with Will, the office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

27th January 2026

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with Testamentary Department**