

**BEFORE : MRS. KAVITA Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 6th January, 2026**

CALLED FOR HEARING :

15 TP/4878/2025 (E-filing)
WITH
WILL/1878/2025

Mr. Tirtha Mukherjee a/w. Munaf Virjee and Mithali Shetty, i/b. AMR Law,
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 Bilkis Akbar Merchant being one of the Executors named under the Will of deceased. The deceased namely Akbar Huseinhoy Merchant died at Mumbai on 04.01.2024. 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 17.11.2011. The said Will is in English language. The Para No. 2 of the Will refers to the appointment of Executors. Only three Executors appointed under the Will. Petitioner is one of the executrices and other executrices namely Sophia Premjee and Soniya Perl have renounced their rights to act as Executrices and Affidavits dated 10.12.2025 and 13.12.2025 respectively are filed to that effect. Residuary clause in respect of properties of deceased is mentioned at para No. 8 of the Will.

3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased was survived by his widow and two daughters. Out of them widow is petitioner herein and both the daughters have given their consents in favour of petitioner herein. Consent Affidavits are on record. There are no other legal heirs.

4. Petitioner's oath is filed. Affidavit of Adhiraj Harish dated 25.11.2025 one of the Attesting Witness to the Will is filed. Affidavit of Service of General Citation dated 12.11.2025 is filed. Delay is explained and the same is condoned. Administration Bond is not required as the petitioners are governed by Hindu Law as customary law in case of testamentary succession, as they are Khoja Muslims, in view of the reported Judgment 2024 SCC OnLine Bom 3060. All other legal formalities are complied with. Hence, petition is granted.2

-- 2 --

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

06.01.2026

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**