



ary

Before: Smt. P. P. Bhaidkar,
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

2026:BHC-OS:9717

Date : 17th April , 2026.

CALLED FOR DIRECTION :

8. TPACL/11505/2026
in
TP/1139/2025

) **Mr. Simon Mascarenhas i/b Mulla and Mulla and**
) **Craigie Blunt and Caroe, Advocate for the third**
) **party applicant.**
) **Mr. Swapnil Shivaji Narkar, Advocate for Orig.**
) **Petitioner.**
)
)
)

) **PC.:** 1. This Third Party Application is filed by one
) Aspi Burjor Chhagar, husband of the
) deceased for obtaining certified copy of entire
) record and proceedings of Testamentary
) Petition No. 1139 of 2025. It is stated in the
) Affidavit in support of the third party
) application that the third party applicant has
) received an email dated 17.03.2026 from the
) Secretary of Poonam Co-operative Housing
) Society Ltd. addressed to Mr. Kamlesh Jain,
) one of the office bearers of the Society
) informing that two persons had visited the
) Society office and submitted a letter to the
) Society that the deceased in the Petition has
) passed away on 14.01.2024 and has
) bequeathed her flat in the Society to the said
) person. A photocopy of the Probate is also
) submitted to the Society. It is further stated
) that the third party applicant was shocked
) and surprised to see the same as his wife had
) not made any Will dated 05.04.2016.
) Further the signature on the alleged Will is
) not of his wife. It is further stated that the
) Will annexed to the Petition is forged and
) fabricated. It is further stated that the
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Schedule to the Probate includes properties which belong to his wife i.e. deceased and other which do not belong to the deceased. The third party applicant has further stated that he has never signed any consent affidavit and no citation is served upon him. The third party applicant, therefore, intends to take steps for recalling of the Probate granted in the aforesaid matter and hence requires entire proceedings of the aforesaid Testamentary Petition.

2. The Ld. Advocate appearing for the Orig. Petitioner on instructions denies the statements made in the Affidavit in support of the application. However, Affidavit in reply is not filed as directed in Order dated 10.04.2026.

3. In view of aforesaid facts and circumstances and since, the third party applicant is husband of the deceased and has made statement that no Will was executed by his wife, the deceased in the aforesaid Petition and further, that he has not signed any Consent Affidavit and that no citation was served upon him, in my opinion, the third party applicant has shown sufficient cause for issuance of certified copy of entire record and proceedings of Testamentary Petition No. 1139 of 2025. The third party application is, therefore, allowed. Office is, directed to issue certified copy as prayed for in the third party application, on payment of necessary charges. Office is directed to issue certified copy expeditiously to enable the third party applicant to take steps.

4. It is made clear that the third party applicant shall use the certified copy only for

