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Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 24th July, 2024

CALLED FOR DIRECTION:

67. TP/369/2024

ECHCBM02204082023

with

Will/157/2024

) **Mr. S. U. Lakdawal, Adv for the Petitioner.**

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P. C. : 1. Perused Petition which is filed online. Heard Ld. Advocate for the Petitioner. This Petition is for Probate of Last Will and Testament of the deceased filed by the Petitioner Audrey Lobo alias Vicentina Oudry Tomazinha Cardozo Lobo, being the sole Executrix named under the Will of the deceased. Deceased Piedade Cardoz alias Ana Piedade Cardozo, alias Ana Piedade Afonso wife of Caetano Filipe Cardozo alias Caetano Filipe Cardoz alias Caetano Felipe Cardozo alias Cajetan Filipe Cardoz alias Cajetan Philip Cardoz, said to have died at Mumbai on 02.05.2007. Copy of Death Certificate is annexed to the Petition. Copy of Affidavit of Petitioner dispensing ID Proof of the deceased is annexed to the petition.

2. Mr. Lakdawala, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 25.04.2006. The said Will is in English language.

3. Mr. Lakdawala, Advocate for the Petitioner submits that deceased was governed under the Indian Succession Act, 1925. It is submitted that the husband of the Deceased i.e. Caetano Filipe Cardozo alias Caetano Filipe Cardoz alias Caetano Felipe Cardozo alias Cajetan Filipe Cardoz alias Cajetan Philip Cardoz died on 11-9-1982. Exhibit 'D' to the petition is a photocopy of the Death Certificate of late Caetano Filipe Cardozo alias Caetano Filipe Cardoz alias Caetano Felipe Cardozo

) alias Cajetan Filipe Cardoz alias Cajetan Philip
) Cardoz. The said deceased died leaving behind his
) wife i.e. the Deceased abovenamed, his 3 Daughters
) and 2 Sons as set out hereinabove. Out of the 2
) Sons, late Mr. Noel Anthony Cardoz passed away on
) 19-2-2003. Exhibit 'E' to the petition is a photocopy
) of the Death Certificate Mr. Noel Anthony Cardoz.
) The late Mr. Noel Anthony Cardoz has passed away
) leaving behind his Widow and 2 Sons as his legal
) heirs which are set out hereinabove. Out of the 2
) sons, Mr. Ryan Oniel Cardoz passed away as
) Bachelor on 6-9-2016.is at Exhibit 'F' to the petition
) the Death Certificate of Mr. Ryan Oniel Cardoz..
) Save and except as mentioned in para –8, there are
) no other legal heirs and next of kin left by the
) deceased. The Ld. Advocate for the petitioner
) submits that the delay, in filing the present Petition
) is on account of the fact that Petitioner was ignorant
) and unaware of obtaining any legal representation.
) She has recently been advised to obtain the same
) and hence the delay in filing the petition be
) condoned in the interest of justice. Thus, the delay is
) explained.

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) 4. Petitioner's Oath is filed. Consent Affidavits of
) two married daughters of the deceased as mentioned
) in para 9 are on record. There are affidavits of
) service dated 5.04.2024 and 8.05.2024 filed by
) Sheriff's Office in respect of Service of citation
) upon Son, Daughter-in-law and one Grandson.
) Affidavit of Mr. Peter Coutinho, one of the attesting
) witness to the Will is filed. Affidavit of service of
) General Citation 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 or Caveat is filed.
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24.07.2024

**Add. Registrar (O.S.) /
Addl. Prothonotary and Senior Master**