

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 10th May, 2024

CALLED FOR DIRECTION:

**516. TP/438/2024
With
Will/202/2024
In
TP/438/2024**

) **Mrs. Shaanayaa Kapoor i/b. Mulla and Mulla Craigie Blunt**
) **and Caroe, Advocate for the Petitioner.**
)
)

) P. C. : 1. Perused Petition . Heard Ld. Advocate for
) the Petitioner. This Petition is for Probate of
) Last Will and Testament of the deceased filed by
) the Petitioner Yvonne Maria Furtado alias Maria
) Yvonne Furtado being the sole Executrix
) named under the Will of the deceased. Deceased
) Laura Furtado alias Maria Laura Dias Femandes
) alias Maria Laura Fernandes Lobo alias Laura
) Andrew Furtado said to have died Mumbai on
) 11.11.2007. Copy of Death Certificate is
) annexed to the Petition. Copy of Pan Card of
) the deceased as ID Proof is annexed to the
) petition.
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) 2. Mrs. Shaanayaa Kapoor Advocate for the
) Petitioner submits that deceased left behind her
) last Will and Testament which was duly
) executed at Goa on 18.11.1999. The said Will is
) in English language.
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)

) 3. Mrs. Shaanayaa Kapoor, Advocate for the
) Petitioner submits that deceased was governed
) under the Indian Succession Act, 1925
) applicable to christians. It is submitted that The
) parents of the said Deceased have predeceased
) the said Deceased. The husband of the said
) Deceased Mr. Andrew Avelino Paulo Furtado
) alias Andrew Avelino Furtado, pre-deceased the
) said Deceased. That the deceased was survived
) by her three sons viz (1) Brian Anthony Furtado

) Alias Brian Antonio Furtado, (2) Albert Francis
) Furtado Alias Alberto Francisco Furtado and (3)
) Alroy Joseph Furtado and one daughter Yvonne
) Maria Furtado Alias Maria Yvonne Furtado, out
) of them, Alroy Joseph Furtado, the son of the
) deceased, died on 19th October 2020 as
) Bachelor Exhibit "D" to the petition is a copy
) of the Death Certificate of Alroy Joseph
) Furtado, the son of the deceased. That the said
) deceased had no other Sons and no other
) Daughters. Save and except the heirs mentioned
) herein above there are no other Legal heirs or
) next of kin Left by the deceased abovenamed.
) The Ld. Advocate for the Petitioner submits that
) the petitioner states that there is a delay in filling
) the present Petition on account of the fact that
) the Petitioner was ignorant and unaware of the
) requirement of obtaining any legal
) representation in respect of the Will left by the
) deceased. The Petitioner further states that,
) recently, when the Petitioner approached the
) concerned authorities, for transferring the
) properties mentioned in Schedule- I annexed to
) the present Petition in her name on the basis of
) the said Will dated 18th November 1999 of the
) deceased at that time the concerned authorities,
) informed the Petitioner to submit a Grant of
) Probate issued by Competent Court of Law. In
) view of the above, the Petitioner is filling the
) present Petition for obtaining Grant of Probate
) with respect to the last Will and Testament dated
) 18th November 1999 of the deceased above
) named from this Hon'ble Court and therefore
) there is delay in filing the present Petition which
) is not intentional or deliberate. The Petitioner
) therefore prays that the delay in filing the
) present Petition may be kindly condoned in the
) interest of Justice. Thus, the delay is explained.
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) 4. Petitioner's Oath is filed. Consent Affidavit
) of Mr. Brian Anthony Furtado Alias Brian
) Antonio Furtado is on record. There is affidavit

) of service filed by Sherrif Office dated
) 02.05.2024 showing service upon non-
) consenting legal heir Albert Francis Furtado
) Alias Alberto Francisco Furtado. Affidavit of
) Gluck D'Souza, S/o. Irineu D'Souza , 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 expeditiously as
) prayed after verifying whether any Cross
) Petition or Caveat is filed.
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10.05.2024

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