

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION**

**JUDGES ORDER NO. 102 OF 2024  
IN  
TESTAMENTARY PETITION NO. 3135 OF 2018**

Alfred Louzado s/o. Sebastian

Louzado also known as

Sabastion Louzado

...Petitioner

Versus

Adriana Louzado @ Maria Gloria Adriana

Ascenca Louzado @ Maria Gloria Adriana

Assenca Louza

...Respondent/Defendants

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Mr. Darshit Jain i/by Mr. S. J. Jagasri for the petitioner.

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**CORAM : N. J. JAMADAR, J.**

**DATE : 11<sup>th</sup> JULY 2024**

Digitally signed  
by D.A.ETHAPE  
DN: cn=D.A.ETHAPE,  
o=JOT, ou=JOT,  
c=IN

**PC.:**

1. Heard the learned Counsel for the Petitioner.
2. The petitioner has taken out this Judge's Order seeking permission to sell the immovable property, known as Mundi de Telegalum or Terro No. Ligado a Teleegalum also known as Santacursavadi, situated at Aldona, ward Carona, Village and Gram Panchayat of Aldona, Taluka and Sub District of Bardez, District of Goa registered in the Land Registration Office of Bardez under 38394 FIS 132 of Book B98 (the subject property),

which forms part of the estate of the deceased.

3. Perused the affidavit in support of the Judge's Order, affidavits of the consenting heirs and the documents placed on record. Pursuant to order passed by this Court on 20<sup>th</sup> June 2024, the petitioner has filed an additional affidavit in support of the Judges Order. Perused the Additional Affidavit as well.

4. The Letter of Administration to administer the property and credits of Adriana Louzado alias Maria Gloria (deceased) were granted to the petitioner on 7<sup>th</sup> November 2020. The subject property is mentioned at serial No.11 of the Schedule of the estate appended to the grant. In the affidavit in support of the Judges Order, it is averred that the petitioner, who is the son of the deceased, is 73 years of age. Another legal heir Elizabeth Louzado is also 70 years of age. The heirs have decided to dispose of all property of the deceased including the subject property. The petitioner has undertaken to settle the claim of Elizabeth Louzado, the daughter of the deceased, proportionate to her share in the sale proceeds. The petitioner has undertaken to deposit share of legal heirs 2(A) Marina Castellino and 2(B) Herman Castellino, the grand-children of the deceased, in this

Court after deducting the TDS and expenses.

5. Elizabeth Louzado (heir No.3), the daughter of the deceased has filed affidavit giving her consent to sell of the subject property without justifying her share in the estate of the deceased. Marina Castellino [heir No.2(A)] and Herman Castellino [heir No.2(B)], the children of the Bonita Olive Castellino, the deceased daughter, have also filed affidavits giving consent for permission to sell the subject property.

6. The petitioner has annexed the draft deed of sale under which the prospective purchaser has agreed to purchase the subject property for a consideration of Rs.2,11,47,400/-.

7. In order to ascertain that the sale consideration is optimum, the petitioner was directed to file an additional affidavit. The petitioner has filed an additional affidavit dated 3<sup>rd</sup> July 2024 affirming, inter alia, that on 21<sup>st</sup> May 2024, the adjoining land which is a part of the same block was purchased by the same prospective purchaser at the rate of Rs.2,295/- per square metre. A copy of the sale deed is annexed to the said additional affidavit at Exhibit-F. It is affirmed, the rate per square metre is to Rs.12,295/-. The petitioner has also annexed

the copies of the notification issued by the Government of Goa wherein, the ready reckoner rate for the subject property is fixed at the rate of Rs.3,000/- per square metre.

8. Having considered the material on record, I find that all the heirs of the deceased are ad idem that subject property be sold. It appears that the prospective purchaser has already purchased a part of the block, in which the subject property is situated, in the recent past. The consideration at which the subject property is proposed to be sold appears to be optimum.

9. In the backdrop of the age of the petitioner and heir No.3, the prayer of the petitioner to permit the petitioner to sell the subject property and distribute the sale proceeds among heirs of the deceased appears justifiable.

10. I do not find, there is any impediment in allowing the petitioner to sell the subject property, subject to the undertaking given by the petitioner in the affidavit in support of the judges order.

11. Judge's order is signed separately.

**(N. J. JAMADAR, J.)**