

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

JUDGES ORDER NO.152 OF 2024
IN
TESTAMENTARY PETITION NO.3639 OF 2022

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Caroline Stephen Fernande ...Petitioner
vs.
Late Stephen Fortunate Fernandes ...Deceased

Ms. Cynthia Pereira, for the Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 09, 2024

P.C.:

1. Heard the learned counsel for the petitioner.
2. This Judge's Order is taken out seeking permission of the Court to sell the property i.e. E-606, 6th Floor, Lakeshore Greens CHS Ltd., E wing, Dombivali (the subject property) belonging to Stephen Fernandes (the deceased). The Letters of Administration to the property and credits of the deceased Stephen Fernandes were granted to the petitioner by an order dated 20th December, 2023.
3. The petitioner is the wife of the deceased. Post grant, the property has been transferred in the name of the petitioner. The petitioner desires to sell the subject property for a consideration of Rs. 59,50,000/-. Copy of Agreement For Sale executed with Shailesh Kumar Raja is annexed to the affidavit in support Judge's order.
4. Ms. Shaun Fernandes, the son of the deceased and the petitioner, has filed an affidavit giving his consent for the sale of the subject property. Seanna Fernandes is the minor daughter of the

deceased and the petitioner.

5. The petitioner has undertaken to deposit the share of Seanna Fernandes in the sale proceeds to the tune of Rs. 19,83,334/- in this Court till Seanna Fernandes attains majority. The petitioner has further undertaken to distribute the rest of the sale proceeds between the other heirs of the deceased.

6. I have perused the affidavit in support of the Judge's Order and the documents annexed with it. It appears that the subject flat is proposed to be sold for an optimum consideration. The petitioner has undertaken to deposit 1/3 rd share of Seanna Fernandes quantified to Rs. 19,83,334/- in this Court.

7. The 1/3 share of Seanna Fernandes amounting to Rs. 19,83,334/- be deposited in this Court within four weeks from the date of execution and registration of the Sale Deed.

8. The Accounts Officer shall invest the said amount in nationalized bank, initially for a period of one year.

9. The aforesaid amount shall remain invested in this Court till Seanna Fernandes attains majority.

10. Subject to aforesaid order, the Judge's Order is accepted and signed separately.

(N. J. JAMADAR, J.)