

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 07th May, 2025

FOR COMPLIANCE:

87. TP/242/2025 P. C. : Ms. Sakina Shaikh i/b Darmin Sampat Ld. Advocate
[Original] for the Petitioner

(ECHCBM02234992
023)
with
WILL/90/2025

1) This petition is filed by petitioner, being the beneficiaries under the Joint Will executed by (1) Kasmir Antony Noronha and (2) Lilly Noronha wlo Kasmir Antony Noronha (herein after the same is referred to as “Testator and Testatrix, respectively”), for grant of a Letters of Administration with Will annexed. Said Testator died on 19.12.2022 and Testatrix Died on 18.06.2014. Petitioners, namely (1) Richard Joseph Noronha, (2) Gerrard Michael Noronha and (3) Ronald Agnel Noronha, filed the copy of death certificates, identity proof of the testator, Will, petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short “Rules”).

4) No executor has been appointed under the Will. The petitioner is the legatees under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind their last Joint Will and Testament which was duly executed at Mumbai on 21.10.2009, in English language. The original Will is handed in separately for being filed and kept in a safe place in the Office of the Prothonotary and Senior Master, High Court, Bombay.

6) Ld. Advocate for petitioner submits that testator & Testatrix are survived by legal heirs, whose details are given in the petition, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition.

7) Citation was issued, which has been duly affixed on the conspicuous part of the Hon’ble High Court and notice board of the Collector’s Office at

Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980 (for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

8) The petitioner has filed the affidavit of Maurice Alleluia D'Cruz, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence as well as presence of another witness, after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will

9) Properties mentioned in the schedule-I of the petition are referred in the Will.

10) Petitioners have executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1)** Petition is granted.
- 2)** Office to issue Letters of Administration with Will annexed to the petitioner, upon satisfaction that the administration Bond is properly executed, as per the Rules, throughout the State of Maharashtra.
- 3)** Before issuance of Letters of Administration with Will, the office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

07th May, 2025

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with Testamentary Department**