

Amberkar

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

INTERIM APPLICATION NO. 2632 OF 2024
WITH
TESTAMENTARY PETITION NO. 3455 OF 2022
WITH
WILL 1353 OF 2022

Ignatius Emile Braganza alias
 Inacio Emiliano Braganza alias
 Ignatius Emil Braganza alias
 Inacio Emiliano Braganza alias
 Ignatius Emil Braganza alias
 Inacio Emiliano Braganza alias
 Ignatius Emile Jeronomo Braganza .. Deceased

Marian Savio Justine Braganza alias
 Savio Ignatius Braganza alias Applicant
 Savio Braganza .. (Org. Petitioner)

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- Mr. A.K. Molly i/by N.M. Fulwadiwala, Advocates for Applicant -
 Org. Petitioner

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 14, 2025

P. C.:

1. Heard Mr. Molly, learned Advocate for Applicant / Org. Petitioner.

2. Present Interim Application seeks dispensation of requisition requiring the Petitioner to justify shares and sureties of non-consenting legal heirs seeking dispensation thereof under Rule 422 of the High Court (Original Side) Rules, 1980. Details of deceased and all his legal heirs are stated in a concise statement of affidavit in

paragraph Nos. 2 to 5 onwards. There are 5 legal heirs. One is the Petitioner before me. Son of the deceased has given his consent. Deceased has 3 married daughters who are married and staying elsewhere. They have been served but they have not filed their consent neither any caveat. Wife and son of deceased are *ad idem*.

3. In view of the grounds enumerated in paragraph Nos. 7 to 10, I do not see any reason as to why in the aforesaid facts, present Interim Application should not be granted. Petitioner has undertaken to indemnify and keep indemnifies this Court and the Registry in accordance with law. All other requisitions stand complied with.

4. In view of the above facts, present Application is allowed in terms of prayer clause (a) which reads thus:-

"(a) This Hon'ble Court be pleased to dispense with the justifying surety of non-consenting legatee viz. 1) Maryann Lynette Candaline D'Lima 2) Mariette Pamela Fernandes and 3) Maria Gladys Archangela D'Souza, in view of the undertaking given by the Applicant (Org. Petitioner) in paragraph Nos. 9 and 10 of present Interim Application."

5. In view of allowing the present Application, there can be no further impediment in granting the Petition which has remained pending on record and file of the Court for the past more than four years.

6. Petitioner is directed to file appropriate indemnity bond, administration bond etc. as required to justify the surety of non-consenting legal heirs. Subject to the above, Petition stands allowed.

7. Department is directed to issue Grant to Petitioner in accordance with law within a period of four weeks from today.

8. Testamentary Petition is allowed and disposed. Interim Application is also disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR

Digitally signed
by RAVINDRA
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Date: 2025.11.15
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