

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 18th September, 2025

FOR COMPLIANCE:

108. TP/3246/2025 P. C. : Shri. Rohit Jadhav i/b Vishal Shirke Ld. Advocate
(AMH20240130947C
202500003)
with
WILL/1247/2025

1) This petition is filed by petitioners, being the beneficiaries under the Will executed by Morris Joseph Gonsalves alias Morris Gonsalves alias Morris Joseph Gonsalves S/o. Joseph Alex Gonsalves (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 03/03/2024. Petitioners, namely (1) Sampson Francis Gonsalves S/o. Morris Joseph Gonsalves and (2) Perpetual Edwin D'lima, filed the copy of death certificate, identity proof of the testator, Will and petitioner's oath.

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

3) No executor has been appointed under the Will. The petitioners are the legatees under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 17.02.2023, in English language. The 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.

5) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of Sec. 33 of the Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition

6) 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.

7) The petitioner has filed the affidavit of Cassino Francis Barrow, 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. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to him all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

9) Petitioners claim to be exemption from furnishing an Administration Bond as no other legatees' interest is being secured in light of the of the Order of the Hon'ble Court in Testamentary Petition No. 4861/2024. Hence, following order:

ORDER

1) Petition is granted.

2) Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect 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.

18th September, 2025

**Officer on Special Duty,
with Testamentary Department**