Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 08th October, 2025

FOR COMPLIANCE:

63. TP/3740/2025 (AMH2024012973 1C202500005)

P. C. : Ms. Shweta Singh i/b Neha Nagotanekar Ld. Advocate for the Petitioner

1) This is a petition for the grant of Letters of Administration, under the Provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely JOANITA VICTOR FERNANDES (For short "Said deceased"). The petitioners, namely (1) MONTY VICTOR FERNANDES, (2) JOEPAUL VICTOR FERNANDES & (3) ANTHONY VICTOR FERNANDES, have filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificate of the deceased, an identity proof of the deceased, an oath in the prescribed format, affidavit of service citation.

3) Said deceased died as a Widow on 20/09/2019 at Mumbai leaving behind her legal heirs, shown in the paragraph No. 4 of the petition. Petitioners state that there are no other legal heirs to the deceased, except heirs shown in the petition. The deceased left properties shown in Schedule I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly affixed on the Notice Board 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 the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner,

nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.

5) In view of the Order, passed in the TP No. 2918/2023, all the legal heirs of the deceased are petitioners, and therefore, they are exempted from furnishing the surety Bond.

6) Ld. Advocate for the petitioners submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being Sons of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by the petitioners, on oath, remained unchallenged and required to be accepted. Accordingly, the petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in the prescribed format as per the provisions of the Indian Succession Act, 1925.
2) The petitioners to file an account as undertaken in a Petitioner's Oath within the stipulated period.
3) Before issuance of the grant, the office to verify that there is no cross-petition pending or caveat resisting the petition is filed.

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with the Testamentary Department