

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 04th February, 2026

FOR COMPLIANCE:

102. TP/2427/2025	)	
(AMH20230036552C202500002)	)	Shri. Karan Chaudhary i/b Vishaki Bhatia
with	)	Ld. Advocate for the Petitioner
WILL/953/2025	)	

P.C.:

- 1) Petitioners, namely (1) Conrad Bosco Anthony Rodrigues and (2) **Esperance Basil Xavier**, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by Martha Alphonso alias Martha Nicholas Alphanso (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 12-02-2024.
- 2) Perused petition. Heard Ld. Advocate for the petitioners. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will and petitioner's oath.
- 3) The executor, namely Remedios Francis Athaide, has relinquished executorship by filing an affidavit. It is produced in the petition. No executor has been appointed under the Will. The petitioners are the legatees under the Will. Hence, the petition is tenable.
- 4) Petitioners stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 10.08.2014, in English language. The Will is handed over 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 the petitioners submits that the Testatrix was widow and died issue-less. She is survived by her predeceased brother sons (i.e. petitioner No. 1) and her sister (the petitioner No.2) as her legal heirs, as per the provisions of Sec. 47 of the Indian Succession Act, 1925 (for short "IS Act") and whose details are given in the petition's paragraph No. 09, as per the provisions of Hindu Succession Act, 2004. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.
- 6) Citation to all Concern was issued and same 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 petitioners have filed the affidavit of Dorothy Athaide one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament and affixed her thumb impression in her presence and the testatrix was in sound state of mind at the time of execution of the Will. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. Dorothy Athaide further states that according to her 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. 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 petitioners, renouncing the right of the Executor namely Remedios Francis Athaide, 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.

04th February, 2026

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