

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 12th March, 2026

FOR COMPLIANCE:

104. TP/3012/2025 (AMH20240007259C202500014)	)	
with		
WILL/1159/2025	)	Shri. A K Kharwar Ld. Advocate for the Petitioner

PC.:

12) Petitioner, namely Valentine Domnik Cedric D'sa, filed this petition for grant of Letters of Administration with Will Annexed, being the representative of the sole legatee under the Will executed by Anthony D'sa @ Anthony D'sa S/o. Late Domingo D'sa, (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator said to have died at Mumbai on 08.12.2007.

13) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will & petitioner's oath.

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

15) The executor, namely VERONICA D'SA, is reported to have died on 27.07.2021 and her death certificate has been filed on the record. The petitioner is the Representative of sole legatee under the Will. Hence, the petition is tenable.

16) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 06.05.2007 and Codicil to the Will, stated to be executed on 06.05.2007, in English language. The Will and Codicil 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.

17) Ld. Advocate for the petitioner submits that the testator died as married and he is survived by his widow VERONICA D'SA, who since deceased the deceased on 27.07.2021. The deceased is now survived by his children, namely petitioner-Valentine, Owen Eric D Sa, Bryan Derrick Baptist Dsa and Maria Sunita Aranha, as his legal heirs, whose details are given in the petition's paragraph No. 05, 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 as mentioned in the petition. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation.

18) 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.

19) The petitioner has filed the affidavit of Sebastian Pinto (attesting witness to the Will) and Francis D'Sa (attesting witness to the Will and to the Codicil to the Will).

20) Sebastian Pinto and Francis D'Sa are attesting witnesses to the Will(Exh-B). Petitioner filed their affidavits, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their presence and the testator 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. According to Sebastian Pinto, 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.

21) Petitioner states that the deceased executed a Codicil on 06.05.2007 to the above said Will. However, the said Codicil is signed by only one attesting witness, namely Francis M. D'sa. Hence, the said Codicil is not signed by two attesting witnesses, as required by Sec. 63 and 64 of IS Act. Hence, the said Codicil is not executed according to law and therefore it is not codicil.

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

23) Other representatives of the Sole legatees, namely Owen Eric D sa, Bryan Derrick Baptist Dsa and Maria Sunita Aranha, have given consents to grant Letters of Administration to petitioner.

24) Petitioner has 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, 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.

12th March, 2026

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