

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 16th January 2026**

FOR COMPLIANCE:

86. TP/4112/2025
(AMH20230035035C20250000) Ms. Nerissa Almedia i/b Armaity S
2))
with) Khushrusahi Ld. Advocate for the Petitioner
WILL/1550/2025

P.C.:

- 1) Petitioner, namely CORRINE GABRIFL D'SOUZA, filed this petition, being the one of the legatees under the Will executed by PETER DESOUZA (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 26.07.2012
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will and petitioner's oath.
- 3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
- 4) No executor has been appointed under the Will. The petitioner is the legatee under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 14.10.1983, 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.
- 6) Ld. Advocate for the petitioner submits that the testator is survived by petitioner(daughter) as his sole legal heir, whose details are given in the petition's paragraph No. 09, as per the provisions of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.
- 7) 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.

8) The petitioner has filed the affidavit as per the Hon'ble Court's Order dated 09.01.2026 vide Rule 384 of BHC Rules, as she came to know that the attesting Witnesses to the Will, namely Mr. S. T. Bodke and Mr. Santan Noronha, are passed away. Her affidavit is in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in her presence and the deceased 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.

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

10) The deceased has made the provisions regarding the sale of the subject flat, if required. According to the Will, it has to be sold to one Mrs. Martha and it is also one of the conditions that Martha Caldeira has right to reside in the said flat, as well. Hence requisition vide Rule 422 of the BHC Rules was raised. However, vide an order dated 09.01.2026, the Hon'ble Court dispensed with the said requisition subject to filing an undertaking and indemnity to the office. Accordingly, the petitioner has filed an undertaking and indemnity Bond.

11) 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.

16th January 2026

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