

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 28th January 2026

FOR COMPLIANCE:

93. TP/5854/2025) Shri. Raj Nagre i/b Jacinta D'Silva Ld. Advocate for
(AMH20240128369C2025000) the Petitioner
11)

P.C.:

1) Petitioner, namely ROSEMARY ANTAO, has applied 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 Evaristus Paul Antao, alias Evaristus Capistrano Antao (For short "Said deceased").

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 Bachelor on 27-04-2022 at Mumbai leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Ld. Advocate for the petitioner submitted that father of the deceased and petitioner is same. Hence, in view of Section 27(a) of Indian Succession Act, 1925, there is no distinction between descendant and the petitioner. Said provision reads as under;

27. Persons held for purpose of succession to be similarly related to deceased.—For the purpose of succession, there is no distinction—

(a) between those who are related to a person deceased through his father, and those who are related to him through his mother; or

In view of said provision, submission is accepted. The deceased left properties shown in Schedule I of the petition.

4) Office issued Citation to all concerned and same has been 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"). 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) Legal heirs of the deceased have consented by way of Affidavits to grant the prayer of the petitioner to grant Letters of Administration, without reserving any right. Legal heirs have accepted the facts regarding their relationship, inter se.

6) Petitioner has filed the administration Bond in the prescribed form No. 118 with surety.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the the Indian Succession Act, 1925, the petitioner, being Sister of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heirs of the deceased, 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 petitioner for properties, left by the deceased and shown in the schedule, in the prescribed format, having effect throughout the India as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner 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