

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
JUDGE'S ORDER NO. 16 OF 2016**

IN

TESTAMENTARY PETITION NO. 215 OF 2013

Sopan Baburao Bangar ...Deceased

And

Mr. Hanumant B. Bangar ...Petitioner

Ms. Nilam Jadhav, for the Petitioner.

CORAM: G.S. PATEL, J.

DATED: 7th March 2016

PC:-

1. This is an order being made on the Judge's Order No. 16 of 2016. By this Judge's Order, the Petitioner seeks leave to sell an immovable property being tenancy premises 8/10, LIG Colony, Vinoba Bhave Nagar, Kurla (West) 400 070. This is a MHADA property. The tenancy stood in the name of the deceased, Shri. Sopan Baburao Bangar. Letters of Administrations were granted to the Petitioner. The Petitioner proposes to sell this property to one Mrs. Amrin Irfan Shaikh and one Mr. Kazi Abrar Fakir Mohammed. A copy of the Agreement for Sale is annexed to the Affidavit in Support of the Judge's Order.

2. Ms. Jadhav, learned Advocate for the Petitioner also tenders a photocopy of a letter dated 25th March 2014 from MHADA to the Petitioner along with an office translation thereof. By this, the property Manager of MHADA has indicated that a transfer as is proposed in the Judge's Order is not wholly prohibited, but it requires the consent of the original gala owner or, if he is no more, then the production of an Heirship Certificate or Letters of Administration. A copy of this letter dated 25th March 2014 is taken on record and marked "X" for identification.

3. It is made clear that neither the Judge's Order nor the present Order are to be construed as restricting any of the rights and contentions of MHADA, nor as having approved or accorded this Court's imprimatur to the proposed Agreement. None of MHADA's procedures and requirements, including any requirements for prior written permission, payment of fees and charges etc have been dispensed with, and the Petitioner will be liable to obtain all necessary permissions and sanctions in that regard.

4. The Judge's Order is separately signed subject to these observations.

(G. S. PATEL, J.)