

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

TESTAMENTARY PETITION NO. 944 OF 2015

Mrs.Sharayu Baburao Chandragiri .. Deceased

Shikshantadnya Ma.Laxmikant Baburao
Chandragiri and Danshur Shiksantadnya
Smt. Sharayu Baburao Chandragiri Trust .. Petitioner

**WITH
MISC. PETITION NO. 13 OF 2017**

Mrs.Sharayu Baburao Chandragiri .. Deceased

The Administrator General
Maharashtra State .. Petitioner

Mr.Vaibhav Sugdare i/b Vinay B.Bandiwdkar for petitioner in
TP/944/2015.

Mr.Suryakant Sane-Trustee of Petitioner-Trust in TP/944/2015.

Mr.U.S.Upadhyay, AGP for petitioner in MPT/13/2017 & MPT/14/2017.

**CORAM : K.R.SHRIRAM, J.
DATE : 15TH FEBRUARY, 2017**

P.C.

1 Shri Sugdare for the petitioner, on instructions from Shri Sane, who is
Trustee of the petitioner and is present in Court, seeks leave to withdraw the
petition. Shri Upadhyay opposes the request for withdrawal and states that
in view of the order dated 16th December 2016 passed by Hon'ble Shri
Justice G.S. Patel, the petition should not be withdrawn.

2 Paragraphs 5 and 6 of the Justice Patel's order dated 16th December 2016 read as under :-

"5 I have asked Mr. Upadhyay who regularly appears for the Administrator-General to accept notice. He has also been given a copy of the Petition. He will take the necessary instructions.

6 I am specifically refusing leave to withdraw the Petition. That is a matter that I will consider subsequently after the Administrator-General has had time to consider the matter and, if thought necessary, to make an appropriate application under Section 10 of the Administrators General Act, 1963. I am keeping this matter pending in the meantime only in order to ensure that the estate remains within the reach of the Court and that the matter is not overlooked."

The State, through the Administrative General, has filed two miscellaneous petitions being Misc.Petition No.13 of 2017 and Misc.Petition No.14 of 1997 for administering the estate of the deceased under Section 10 of the Administrators General Act, 1963. In view thereof, I see no impediment in permitting the petitioner to withdraw the petition.

3 The petition dismissed as withdrawn.

Refund of Court fees, if any, in accordance with the Rules.

(K.R. SHRIRAM, J.)