

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

CHAMBER SUMMONS NO.111 OF 2017

IN

PETITION NO.1415 OF 2015

|                                                                                                                    |                                  |
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| <b>Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders</b> | <b>Court's or Judge's orders</b> |
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Mr. D. R. Mishra for Applicant.

**CORAM : R. G. KETKAR, J.**

**DATE : 09<sup>TH</sup> AUGUST, 2017**

**P.C.:**

Heard Mr.Mishra, learned Counsel for the applicant.

2. By this Chamber Summons, applicant has prayed for dispensing with requisition No.2 raised by the office of the Prothonotary and Senior Master, namely, surety to be justified for unpaid legacies.

3. Mr. Mishra submitted that Mohan Anand Talang, hereinafter referred to as 'deceased', had executed Will. Applicant is one of the beneficiaries under the last Will and Testament of the deceased. He had applied for Letters of Administration with Will annexed to the property and credits of the deceased in this Court. The deceased left the heirs whose details are set out in paragraph 2 of the affidavit in support. In paragraph 4, it is stated that he is

unable to justify the surety of unpaid legacy. He undertakes to indemnify and keep indemnified to this Court and the Registrar (O.S.), Prothonotary and Senior Master and to save them harmless, against any harm, loss or prejudice being caused to them on account of Letters of Administration with Will annexed being granted to him as one of the legatees under the Will of the deceased. He further stated that save and except requisition No.2, rest of the requisitions are complied with. He further states that the proceedings are uncontested as none has filed caveat.

4. In view thereof and for the reasons stated in the affidavit in support of the Chamber Summons, Chamber Summons is made absolute in terms of prayer clause (a) with no order as to costs. Office to proceed. Time for issuing final notice is extended till 31.08.2017. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*