

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

JUDGES ORDER NO. 75 OF 2017

TESTAMENTARY PETITION NO. 1150 OF 2015

Maria Zeila Rodrigues] Deceased

Archana Ravindra Bhichkule] Petitioner

.....
Ms. B.S. Shivhare, for petitioner.

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

DATE : 11TH SEPTEMBER, 2017.

P.C.:

Heard Ms. Shivhare, learned Counsel for the petitioner at length.

2. Ms. Shivhare submitted that petitioner is the sole legatee/beneficiary under the last Will and Testament of Maria Zeila Rodrigues [for short 'deceased']. Deceased had executed her last Will and Testament dated 20th July, 2010 bequeathing Room No. 14, 15-17 Kamathipura, 5th Galli, Mumbai 400 008 to be allotted to the deceased on re-development of the said room. She submitted that the said room was under re-development of Maharashtra Housing Area Development Authority [for short 'MHADA']. In the schedule annexed to the Petition, the petitioner claimed for tenanted room and now in lieu of the said Room MHADA has allotted Flat No. 2102 in the newly constructed

building known as "Sumer Park' Building No.4, Motisha Lane, C.S. No. 399, Mazgaon, Mumbai 400 010 [for short 'said flat'] on 12th July, 2017. MHADA has also handed over possession of the said flat to the petitioner.

3. Petitioner intends to sell the said flat. MHADA has asked her to bring order from this Court permitting her to sell the said flat. She further submitted that this Court has granted Letters of Administration with Will annexed to the Petition and the petitioner is appointed as Administrator to the property and credit of the deceased. The petitioner has found out prospective buyer namely Jahanara Ibrahim Taja who is ready to purchase the property of the deceased for Rs. 79,01,500/-. Prospective purchaser has confirmed her readiness and willingness to purchase the said flat on petitioner obtaining permission from this Court. Affidavit and copy of the agreement of sale is also annexed. As per ready reckoner, value of the said flat is Rs. 79,00,000/-. She, therefore, seeks permission to sell the said flat.

4. In view of the particulars set out in the affidavit dated 4th August, 2017, permission to sell the said flat to Jahanara Ibrahim Taja for Rs. 79,01,500/- is granted. Judges order is separately signed.

[R.G. KETKAR, J.]