

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

**JUDGE'S ORDER NO. 85 OF 2017
IN
TESTAMENTARY PETITION NO. 1212 OF 2017**

Durgaji Chandaji @ Durgaji Chandaji Jamalpur
@ Rao

...Deceased

Sheela Narayan Mulka

...Petitioner

Mr.S.M. Shettigar for Petitioner.

CORAM : S.C. GUPTE, J.

DATE : 23 NOVEMBER 2017

P.C. :

By this Judge's Order, the Petitioner, who is a married daughter of the deceased, Durgaji Chandaji Jamalpur, and has filed the present petition for letters of administration to the property and credits of the deceased, seeks waiver of the office objection for proving surety in respect of the share of a non-consenting legal heir and next of kin of the deceased.

2 The testamentary petition has been duly served on the non-consenting legal heir and next of kin. The service has been duly complete but there is no response. All other legal heirs and next of kin have given their consent affidavits for issuance of the letters of administration to the Petitioner without service of citation and proving surety for their respective shares. The Petitioner is also seeking an order for transfer of immovable property described in the Judge's Order to the joint names of the Petitioner and other legal heirs of the deceased, including the non-consenting legal

heir, in pursuance of the grant. In the premises, the objection concerning justifying the surety in respect of the share of Bansilal Durgaji Jamalpur in the estate of the deceased is waived. A separate Judge's Order in this behalf is signed.

3 Parties to act on the authenticated copy of this order.

(S.C. Gupte, J.)