

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

JUDGE'S ORDER NO.88 OF 2017

IN

TESTAMENTARY PETITION NO.662 OF 2012

(Harish Dharamdas Mansukhani)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Ms Cynthia Pereira for Applicant / Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 29TH SEPTEMBER, 2017

P.C.:

Heard Ms Pereira, learned Counsel for the petitioner.

2. Leave to amend affidavit dated 21.09.2017 is granted. Amendment shall be carried out forthwith. Re-verification is dispensed with.

3. Petitioner has sought permission to sell piece and parcel of land bearing CTS No.2286 (old Survey No.63) admeasuring 538.4 sq.mtrs. situate at Malavni Village, Malad (West), Taluka Borivali, Mumbai 400 064 to Mr. Sharad S. Ruia and Mr. Shiteej Sharad Ruia as per the terms and conditions mentioned in the Deed of Conveyance.

4. Ms Pereira submitted that petitioner had instituted Petition No.662 of 2012 for obtaining the Probate to the property and credits of Kalpana alias Archana Mohan (for short 'deceased') in this Court being one of the executors and administrators. The Probate was granted by this Court on 11.06.2013. She submitted that (i) Preeti Harish Mansukhani, (ii) Yash Harish Mansukhani and (iii) Khushi Harish Mansukhani are the only heirs and legal representatives left by the deceased as per the Hindu Succession Act, 1956 (for short 'Act'). The parents of the deceased predeceased the deceased. The deceased was a divorcee. Except Preeti Harish Mansukhani, Yash Harish Mansukhani and Khushi Harish Mansukhani, there are no legal heirs left by the deceased. She submitted that under the grant issued on 11.06.2013, Preeti Harish Mansukhani holds 75% share, Yash Harish Mansukhani holds 12.5% share and Khushi Harish Mansukhani (who is minor) holds 12.5% share in the immovable property. The petitioner has obtained consent affidavits-cum-no objection from Preeti Harish Mansukhani and Yash Harish Mansukhani for the sale of the immovable property of the deceased. They have given full and free consent cum no objection for selling the property in favour of Sharad S. Ruia and Shiteej Sharad Ruia. The petitioner has also given undertaking that he will distribute the sale proceeds to Preeti Harish Mansukhani and Yash Harish Mansukhani, being the daughter and grandson of the deceased. The petitioner has further undertaken that 12.5% share of the minor Khushi Harish Mansukhani from

the sale proceeds of the immovable property will be deposited with the Accounts Office, Prothonotary and Senior Master, within 8 weeks from the date of the sale of the immovable property. The undertakings given by the petitioner are accepted.

5. In view thereof, Judge's Order is separately signed. Parties to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)

Minal Parab