

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

**JUDGES ORDER NO.118 OF 2017
IN
TESTAMENTARY PETITION NO.662 OF 2002**

Harish Dharamdas Mansukhani ... Applicant

In the matter of :

Kalpana alias Archana Mohan ... Deceased

Harish Dharamdas Mansukhani ... Petitioner

.....
Ms. Cynthia Pereira for the Petitioner.

CORAM : S.C.GUPTE, J.

DATE : 27 NOVEMBER 2017

P.C. :

. The Judges Order seeks permission to sell immovable property in accordance with a draft agreement for sale annexed to the affidavit in support to the Judges Order. The Application is made in pursuance of grant of probate of the last will and testament of the deceased Kalpana alias Archana Mohan. The deceased was a divorcee, survived by her married daughter. The present Applicant, who was the original Petitioner for probate, being an executor of the last will and testament of the deceased, is her husband and Constituted Attorney and father of her two children. The deceased had 50% shares in the property, whilst 25% share each in the property was held, respectively, by the two grand children of the deceased. In view of the bequest made in the last will and testament of

the deceased, the property is now held by the married daughter of the deceased and her two children (son and daughter) in the shares of 16.66 %, 41.67 % and 41.67%, respectively. Consent affidavits have been filed by the married daughter of the deceased and her son. The Applicant is the guardian of the minor daughter, who holds the other 41.67% share in the property. The Applicant has undertaken to the Court to deposit 41.67% share of his minor daughter from out of the sale proceeds of the property, which works out at Rs.15 lacs, with the Prothonotary & Senior Master. On these facts, the application deserves to be allowed. A separate Judges Order to that effect is signed.

2 All parties to act on the authenticated copy of this order.

(S.C. GUPTE, J.)