

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 94 OF 2018
IN
PETITION NO. 579 OF 2016

Radhakrishnan Nair **Deceased**

Ragmani Radhakrishnan Nair **Applicant**

Mr.S.U.Lakdawala, I/b. Ms.Meena A.Ruparel for the Applicant.

CORAM : R.D. DHANUKA, J.

DATE : 5th DECEMBER, 2018

P.C.

By this chamber summons, the applicant seeks dispensation of justification of 1/4th share of Smt.P.K.Padmini, being the mother of the deceased in the self acquired property of the deceased described in the Letters of Administration.

2. Learned counsel appearing for the applicant states that the mother of the deceased has been served with the citation. No caveat has been filed by the said Smt.P.K.Padmini. He invited my attention to the consent affidavit filed by Ms.Aditi Radhakrishnan Nair dated 25th January,2016 and consent affidavit filed by Mr.Aditya Radhakrishnan Nair dated 25th January,2016 giving their full and free consent in favour of the petitioner for grant of the Letters of Administration in respect of the properties belonging to the petitioner without service of any citation and without any surety being justifying for their shares in the estate of the said deceased, Mr.Radhakrishnan Nair.

3. The reasons for seeking dispensation with the justification of 1/4th share of the mother of the deceased are set-out in paragraphs 4 and 5 of the affidavit in support of the chamber summons. No affidavit in reply is filed by the mother of the deceased. The reasons recorded in the affidavit in support of this chamber summons and more particularly in paragraphs 4 and 5 are accepted.

4. Chamber summons is accordingly made out in terms of prayer clause (a). No order as to costs.

[R.D. DHANUKA, J.]