

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
JUDGE'S ORDER NO. 30 OF 2019
IN
TESTAMENTARY PETITION NO. 371 OF 2017

Dr.Nilesh Bhagubhai Patel **Petitioner**

Ramaben Bhagubhai Patel **Deceased**

Mr.Murlidharan V.C., i/b. Joy Legal Consultants for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 18th FEBRUARY, 2019

P.C.

I have heard the learned counsel appearing for the petitioner and have perused the affidavit in support dated 13th December,2018 stating various reasons as to why service could not be effected upon the father and sister of the petitioner.

2. In paragraph (4) of the affidavit, it is stated that neither the father nor the sister of the petitioner had filed any objections for grant of succession certificate nor they are in contact with the petitioner for last several years.

3. In paragraph (6) of the affidavit in support, the petitioner has rendered an undertaking to this court to transfer the shares of the father and sister of the petitioner as and when they approach the petitioner or this court for their shares.

4. In view of the undertaking rendered by the petitioner, the

petitioner is exempted from depositing the amount to justify the surety for the share of the father and sister of the petitioner. Undertaking is accepted. I have signed the Judge's Order accordingly.

[R.D. DHANUKA, J.]