

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

NOTICE OF MOTION NO.49 OF 2019
IN
PETITION NO.1060 OF 2011

Ankush Manohar Chhabria ...Petitioner.

In the matter between

Manohar Tejumal Chhabria ...Deceased.

vs.

Ankush Manohar Chhabria ...Petitioner.

Mr. M.P.Vashi, Sr. Advocate i/by M.P.Vashi & Associates for the Applicant.

CORAM : R. D. DHANUKA, J.

DATE : 20th February, 2019

PC :

1. By this notice of motion the applicant original petitioner seeks permission to mortgage an immovable property described in Para (a) of the notice of motion. This Court had issued Letters of Administration on 5.12.2011 in favour of the applicant. It was one of the condition mentioned in the said Letters of Administration that the applicant shall not mortgage, charge or transfer by way of sale, gift or otherwise any immovable property

under Section 211 without previous permission of this Court under Section 307 of the Indian Succession Act, 1925.

2. The applicant seeks to create mortgage in respect of one of the property mentioned at Sr. No.10 of the Schedule of the Letter of Administration. The applicant has filed consent affidavit of the other beneficiary dated 14.2.2019 giving consent for mortgaging the suit property and to obtain the permission of this Court to mortgage the property. The statement recording consent Exh. D is taken on record.

3. For the reasons stated in the affidavit in support of the notice of motion, the notice of motion is allowed in terms of prayer clause (a) which reads as under.

“That the petitioner be permitted to mortgage an immovable property viz. plot of land lying and being at Plot No. R-707 TTC Industrial Area, MIDC Rabale, Thane Belapur Road, Navi Mumbai, District Thane admeasuring about 800 sq. mts. Equivalent to 8611.2 sq. ft. or thereabout with the State Bank of India, Vashi Turbhe Branch”

4. No order as to costs.

(R. D. DHANUKA, J.)