

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
INTERIM APPLICATION NO. 622 OF 2021  
IN  
TESTAMENTARY PETITION NO. 407 OF 2020**

|                                                           |                |
|-----------------------------------------------------------|----------------|
| Rupresh Mahendrabhai Patel & Rajesh<br>Mahendrabhai Patel | ...Petitioners |
| <i>Versus</i>                                             |                |
| Diptiben S Patel                                          | ...Respondent  |

---

**Ms Laxmi Mankar**, *for the Petitioners/Applicants.*

---

**CORAM: G.S. PATEL, J**  
**(Through Video Conferencing)**  
**DATED: 8th April 2021**

**PC:-**

1. Heard through video conferencing.
2. The Interim Application seeks to dispense with the requisition of providing surety justifying the one-fifth share of Diptiben Patel, one of the heirs of the deceased.
3. The undertaking in paragraph 11 of the Interim Application is accepted as an undertaking to the Court that Diptiben Patel will be given her one-fifth share in the estate and that an Affidavit to that effect will be filed demonstrating payment.

4. In view of this undertaking being accepted, the Interim Application is allowed in terms of prayer clauses (a) and (b) and the requirement of justifying surety is dispensed with.

5. All concerned will act on production of an ordinary copy of this order.

**(G. S. PATEL, J)**