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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 1069 OF 2021
IN
TESTAMENTARY PETITION NO. 590 OF 2019**

Mohamed Rauf Ebrahim Shaikh	...Applicant
<i>And</i>	
Zohra Rauf Shaikh	...Deceased

Mr Amit Tungare, for the Applicant.

**CORAM: G.S. PATEL, J
(Through Video Conferencing)
DATED: 25th June 2021**

PC:-

1. Heard through video conferencing.

2. The Applicant is the widowed husband of one Zohra Rauf Shaikh. She died intestate on 29th July 2016. The present Interim Application seeks dispensation with the Registry's requirement for justifying surety of the share of the minor in an immovable property owned by the deceased.

3. In my decision in *Madhuri Dattaprasad Pitre*,¹ I have held that where the Petition for representation to an estate is brought by a biological parent (the father or mother) as a natural guardian of the property and person of the minor, there can be no question of demanding a justifying surety.

4. In view thereof, the Application is made absolute in terms of prayer clauses (a) and (b). There will be no order as to costs.

5. It is, however, clarified that if there is any immovable property the Applicant must apply to this Court for leave to sell and alienate the shares of the minors.

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

(G. S. PATEL, J)

¹ Testamentary Petition No. 1701 of 2017, decided on 6th April 2021.