

Ajay

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

INTERIM APPLICATION (L) NO. 6097 OF 2023
IN
CAVEAT NO. 89 OF 2023
IN
TESTAMENTARY PETITION NO. 1996 OF 2022

Mangala Sarosh Bana

Applicant /
.. Orig. Petitioner

IN THE MATTER BETWEEN

Kamlakar Dattopant Abhyankar

.. Deceased

Mangala Sarosh Bana

.. Petitioner

Versus

Renuka Satish Narwankar

Caveatrix /
.. Respondent

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- Mr. Rajiv Narula a/w. Mr. Sahil Saiyed, Mr. Aatir Saiyed, Advocates for the Applicant / Petitioner.
 - Mr. Sanjay Haritwal a/w. Mr. Uttam Rane i/by U.S. Rane, Advocates for Caveator / Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 04, 2023.

P.C.:

1. Heard Mr. Narula, learned Advocate for Applicant / Petitioner and Mr. Haritwal, learned Advocate for Caveator / Respondent at length.

2. After hearing their respective objections it has fallen from the Court that considering the fact that the Applicant and the Respondent are the only two legal heirs / sisters entitled to the

legacy / estate of the deceased, it would be fruitful if both the parties claim the legacy in equal proportion / share (50% each).

3. Mr. Haritwal after taking instructions from his client has submitted that the Caveator / Respondent would be agreeable for the same. Mr. Narula after taking instructions from his client has also submitted the Applicant / Petitioner is also agreeable for the same.

4. In that view of the mater, Applicant / Petitioner is granted leave to amend the present Petition and convert the same into “Letters of Administration along with Will annexed”. Necessary amendment shall be carried out within a period of two weeks from today. Re-verification stands dispensed with. Copy of the amended Petition be served on Mr. Haritwal within a period of one week thereafter.

5. In view of the above, Department is directed to proceed with the present amended Testamentary Petition in accordance with law.

6. Liberty to apply.

7. Service of citation on the Respondent stands dispensed with in view of the fact that Mr. Haritwal waives service.

8. Interim Application (L) No.6097 of 2023 stands disposed. Caveat No.89 of 2023 also stands disposed.

[MILIND N. JADHAV, J.]

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