

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 5377 OF 2022
IN
TESTAMENTARY PETITION NO. 2124 OF 2021

Khusshbu Rajan Mehta ...Applicant
(Org. Petitioner)

In the matter between

Rajenn Babubhai Mehta ...Deceased

Khusshbu Rajan Mehta ...Petitioner

Adv. Sundas Ansari i/b. SRM Law Associates for the Applicant

CORAM : ARIF S. DOCTOR, J.

DATE : 31st JANUARY, 2023

P.C. :

1. The present Testamentary Petition is filed for Letters of Administration to the properties and credits of one Late Rajenn Babubhai Mehta (deceased).
2. By the present Interim Application the Applicant seeks dispensation of justifying the surity of the minor grand children of the deceased namely Jenish Viki Mehta and Reeva Viki Mehta (the minor grand children). It is submitted

that the Testamentary Registrar by an order dated 15th June, 2022 was pleased to direct the Applicant to justify the share of the said minor children. Learned Counsel submits that the Letters of Administration do not in any manner determine the title of the deceased to the said properties and thus no right or title of the minor grand children will be taken away.

3. Learned Counsel without prejudice undertakes that the Applicant shall execute the necessary bond and furnish the necessary indemnity to the satisfaction of the Testamentary Registrar in respect of shares minor grand children.

4. I have heard learned Counsel and perused the copy of the Interim Application. I find that the same deserves to be allowed. The Interim Application is allowed in terms of prayer Clause (a) which reads as under:

“That this Hon’ble Court be pleased to allow the Petitioner to file Bond with respect to securing the interest of two minors, in view of the undertaking given by the Applicant (org. Petitioner) in para No. 7 and 8 of present Interim Application and further be pleased to dispense with the justifying surety of minor viz minor grandson Jenish Viki Mehta and minor granddaughter Reeva Viki Mehta.

5. It is made clear that the office to proceed only on the filing of such bond

and indemnity to securing the interest of the two minors to the satisfaction of the Testamentary Registrar.

6. Interim Application is accordingly disposed of.
7. Refund Court fee, if any, as per Rules.

(ARIF S. DOCTOR, J)