

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.60 OF 2024**

Maruti Shyamsunder Jethe ... Petitioner

Srimati Govind Gawade ... Deceased

Ms. Vatsal Shah i/by Lakdawala and Co., for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 30 AUGUST 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The Petition is moved for dispensing with the office requisition by the Department pursuant to the order dated 10 April 2024, passed by the Officer on Special Duty with Testamentary Department, to the effect that the petitioner shall explain how the Petitioner will satisfy the claim of the legal heirs, if anybody claims to be legal heir of the deceased, in future, as the petitioner claims that he is not aware of the legal heirs of the husband of the deceased.
3. The learned Counsel for the Petitioner submits that the citation has been duly published and even the paper publication has been made. Nobody has filed a caveat. The Petitioner is unaware of the other legal heirs of the deceased. In the event, some legal heir turns up, in future, the Petitioner would satisfy the claim(s) of any of such legal heir(s) of

the deceased. An affidavit dated 29 April 2024 has been filed. Attention of the Court is invited to the averments in paragraph No.5 of the said affidavit.

4. The Petition is filed for grant of Letters of Administration to the property and credits of Srimati Govind Gawade (deceased), maternal aunt of the deceased. It is averred that the deceased passed away on 25 April 2015. The deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased was the sister of the mother of the Petitioner. The husband of the deceased predeceased her on 27 October 1973. The parents of the husband of the deceased and the parents of the deceased have also predeceased the deceased. The husband of the deceased had no brother or sister. The Petitioner is not aware of the whereabouts of any other legal heir of the husband of the deceased.

5. In view of the fact that the citation has been duly published and the paper publication of the citation has also been made and till date, no caveat has been lodged by anybody and the Petitioner has filed an affidavit undertaking to satisfy the claim(s), if any, of the heirs of the deceased, if made in future, office objection can be dispensed with subject to the Petitioner filing an undertaking on an affidavit to indemnify the Prothonotary and Senior Master in the event any

claim(s) is / are raised/lodged by any of the heirs of the deceased, in future.

6. Let such an undertaking on an affidavit be filed within a period of two weeks.

7. Once the said affidavit is filed, the Petition be further proceeded with in accordance with law.

(N.J.JAMADAR, J.)