

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 509 OF 2024

Digvijay Arunkumar Singh ...Petitioner

Arundhati Arunkumar Singh alias
Arundhati Singh ...Deceased

Mr. Anil Yadav, for the Petitioner.

CORAM: N. J. JAMADAR, J.
DATED: 6th DECEMBER, 2024

PC:-

1. Heard the learned Counsel for the petitioner.
2. The petition is moved seeking dispensation of the justification of the surety for the share of the non-consenting legal heir and grant of the Letters of Administration on the strength of personal bond.
3. The petition is filed for Letters of Administration to the property and credits belonging to Arundhati Arunkumar Singh alias Arundhati Singh (the deceased). The petitioner is the son of the deceased. Arunkumar Singh, the husband of the deceased, and Sudha Singh, the married daughter of the deceased, have filed affidavits giving their consent for the grant of Letters of Administration. Bhupendra Singh, the son of the deceased and brother of the petitioner, the particulars of whom

are mentioned at Sr.No.4 in the table, has been served with the citation. Affidavit of service has been filed. Bhupendra Singh has not appeared and filed Caveat.

4. It is submitted on behalf of the petitioner that the subject property is the self-occupied flat. The petitioner is thus not in a position to justify the surety for the share of the non-consenting heir. Instead the petitioner undertakes to indemnify the Prothonotary, in the event any claim is lodged by the non-consenting heir, not to sell or create third party interest in the subject property without the prior permission of the Court and, in the event the property is sold, deposit the amount falling to the share of the non-consenting heir in this Court.

5. In these circumstance, I am inclined to dispense with the office requisition to justify the surety for the share of the non-consenting heir subject to the petitioner filing an undertaking that the petitioner will indemnify the Prothonotary, shall not sell and/or create third party interest in the subject property without prior permission of the Court and, in the event the subject property is sold, deposit the amount of sale proceeds falling to the share of the non-consenting heir in this Court within a period of four weeks from the date of sale.

[N. J. JAMADAR, J.]