

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

TESTAMENTARY PETITION NO.589 of 2024

Kunjan Chandrakant Mody	...Deceased
vs.	
Tejal Kunjan Mody	...Petitioner

Ms.Shruti Lakhani for Petitioner.

CORAM : N. J. JAMADAR, J.

DATE : 18th OCTOBER 2024

P.C.:

1. Heard the learned Counsel for the Petitioner.
2. The Petition is moved before the Court to dispense with the office requisition to justify the surety of non-consenting legal heir namely, Parinda Doshi.
3. The petitioner who is the widow of Kunjan C. Mody (the deceased) has preferred this petition for grant of Letters of Administration to the Property and Credits of Kunjan Chandrakant Mody, the deceased. Apart from the petitioner and her two sons namely, Akshat Mody and Nihal Mody, the particulars of whom are furnished at serial no. (v) and (vi) in the table at paragraph No. 4 of the petition, the mother of the deceased namely, Ranjan C. Mody, who since deceased the deceased, were entitled to succeed as the class-I heir of the deceased. Ranjan Mody passed away on 23rd December 2015.

The heirs mentioned at serial No. (i) to (iv) are the legal heirs of the Ranjan Mody. Out of them, Chandrakant Mody, the father of the deceased passed away on 31st January 2018. Proclamation was served on Parinda Doshi. Affidavit of service has been filed.

4. Proclamation could not be served on Achala Parikh and Shailja Shah. Thus, under Rule 400 of the Bombay High Court (O. S.) Rules, 1980, the proclamation has been served by publishing the same in the newspapers and an affidavit of service has been filed. No caveat has been filed on behalf of Prinda Doshi, Achala Parikh or Shailja Shah upon whom the proclamation has been served through paper publication. Akshat Mody, the son of the deceased, has filed affidavit giving consent for grant of Letters of Administration. Nihal Mody, a 15 year old minor son of the deceased, has filed affidavit giving consent for grant of Letters of Administration through the petitioner as his natural guardian. The petitioner undertakes to distribute the assets of the deceased in accordance with the shares of the heirs. I am, therefore, inclined to dispense with the office objection to justify the surety of non-consenting heirs.

5. Department to proceed with the petition in accordance with law.

(N. J. JAMADAR, J.)