

JUDGE'S ORDER NO. 103 OF 2024
IN
PETITION NO. 961 OF 2020

Binoy Pradip Somaia ...Petitioner
Versus
Sharda Devram Somaia ...Deceased

Mr. Amrut M. Vernekar for Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 2nd JULY 2024

PC.:

1. Heard the learned Counsel for the Petitioner.
2. This Judge's Order is taken out seeking permission of the Court to sell one of the properties i.e. Flat No. B-87, Nibbana Co-operative Housing Society Ltd. situate at Nargis Dutt Road, Pali Hill, Bandra (W). Mumbai. The Probate was granted by an order dated 18th January 2021. As the some of the properties remained to be administered, by an order dated 10th April 2024, the grant has been extended by a further period of six months. The petitioner has filed affidavit in support of the Judge's Order. The petitioner has affirmed that the afore-described property is

agreed to be sold to Mr.Neeraj Khanna and Mrs.Smriti Khanna for consideration of Rs.4 crores. The beneficiaries, apart from the petitioner, namely (1) Mrs. Ila Vasani, (2) Mrs. Dipti Poojara, (3) Mrs. Sujata Morjaria, (4) Mr. Pranay Somaia, and (5) Mr.Bejul Somaia have given consent for the sale of the said flat. The petitioner has undertaken to distribute the sale proceeds after deducting the costs, charges and expenses of sale amongst the beneficiaries in the ratio of 1/6 each, in terms of the disposition in the Will.

3. I have perused the Will. It indicates that the aforesaid property has been directed to be sold and sale proceeds to be distributed amongst the petitioner and above named five beneficiaries in the ratio of 1/6 (page 27).

4. In the Schedule of Property, annexed to the petition, the subject flat was valued at Rs. 3.29 crores. The consideration for which the petitioner has agreed to sell the flat appears to be optimum. Apart from the petitioner, the other five beneficiaries have filed affidavits giving consent for the said sale (page 98 to 125).

5. I am, therefore, inclined to allow the petitioner to sell the

subject flat and distribute the proceeds in the ratio of 1/6 each,
as undertaken.

6. The judges Order is separately signed.

(N. J. JAMADAR, J.)