



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

**JUDGE'S ORDER NO.106 OF 2024  
IN  
TESTAMENTARY PETITION NO.1744 OF 2017**

Radha Murlidhar Bhagwat and Anr. ... Petitioners

Murlidhar Mahadeo Bhagwat ... Deceased

Mr. Sachin Chavan, for Petitioners.

**CORAM: N.J.JAMADAR, J.**

**DATE : 10 JULY 2024**

**P.C.**

1. Heard the learned Counsel for the Petitioners.
2. This Judge's Order is taken out seeking permission to sell the immovable property i.e. residential premises bearing tenement No.317/2532 situated on the ground floor, Unity Co-operative Housing Society Ltd., Motilal Nagar No.2, M.G.Road, Goregaon (W), Mumbai – 400 090 (the Estate).
3. The Petitioners in TP No.1744 of 2017 had preferred the said Petition for Letters of Administration with Will annexed to the property and credits of murlidhar Mahadeo Bhagwat (husband of the Petitioner No.1 and father of Petitioner No.2). By an order dated 12 November 2018, the Letters of Administration were granted to the Petitioners. The estate is the only property which the deceased had bequeathed under the Will dated 31 January 2013, firstly to the Petitioner No.1 Radha

and, after her demise, to the Petitioner No.2 Hari. The testator further directed that in the event the estate is sold, the legatee shall provide Rs.10 Lakhs each to his daughters, Sandhya Rajendra Athawale and Smita Pradeep Marathe. The Petitioners have filed affidavits in support of the Judge's Order. It is affirmed that the Petitioner No.1 – widow of the deceased, desires to sell the estate for a consideration of Rs.65 Lakhs. The Petitioner No.1 has further affirmed that in accordance with the direction in the Will, the daughters of the deceased and the Petitioner No.1 have been paid an amount of Rs.10 Lakhs each and they have no objection to grant permission for sale.

4. I have perused the affidavit in support of the Judge's Order and the documents on record, including the Will dated 31 January 2013. It appears that the estate was firstly bequeathed to the Petitioner No.1. Her estate is not limited. She was to succeed to the estate as an absolute owner.

5. The Petitioner No.2 – Hari, has also filed an affidavit in support of the Judge's Order, and, states that he has no objection to sell the estate. Likewise, Mrs. Sandhya Rajendra Athawale and Mrs. Smita Pradeep Marathe have filed affidavits acknowledging that they have received a sum of Rs.10 Lakhs each and have no objection to sell the estate. A copy of the draft Sale Deed whereunder the estate is proposed to be sold for a consideration of Rs.65 Lakhs has also been annexed to the affidavit in support of the Judge's order.

6. In the aforesaid view of the matter, I do not find any impediment in

granting permission for sale of the estate under Section 307 of the Indian Succession Act, 1925.

7. Judge's Order is signed separately.

**( N.J.JAMADAR, J. )**