

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

JUDGES ORDER (TESTAMENTARY) NO. 110 OF 2024

Nora Pereira Carvalho ...Petitioner
Versus
Hermete Baylon Pereira Carvalho ...Respondent

Mr. Kushaan R. Solanki Advocate for Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 7th AUGUST 2024

Digitally signed by
D.A.ETHAPE
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PC.:

1. Heard the learned Counsel for the Petitioner.
2. This Judge's Order is filed to dispense with the office requisition to justify the surety for the share of non-consenting heir.
3. Perused the affidavit and additional affidavit in support of the Judge's Order. The petitioner has filed an affidavit, undertaking not to create any third party interest in the immovable property i.e. property situated at 8-4, 2nd Floor, 4A Gulabhar, Barrack Road, Bombay Hospital, New Marine Lines, Churchgate, Mumbai, the estate of the deceased, and to render true account of the administration of the estate of the deceased.

4. Learned Counsel for the petitioner submitted that the petitioner will file an undertaking to transfer 50% share in favour of Ms.Rene Pereira Carvalho, the non-consenting legal heir, within 12 weeks from the date of receipt of the grant and also deposit the transfer deed with the Department, within two weeks from the execution of the said deed of transfer.

5. In view of the statement in the affidavit and additional affidavit filed by the petitioner, undertakings therein and the submissions on behalf of the petitioner, I am satisfied that the office requisition to justify the surety for the share of the non-consenting heir can be dispensed with subject to the undertaking that the petitioner will not create any third party interest in the estate and, within 12 weeks of the grant, transfer 50% interest therein in favour of Ms.Rene Pereira Carvalho, the non-consenting legal heir and deposit such instrument of transfer with the Department within a period of two weeks thereafter.

6. Judge's Order is accepted and signed separately.

(N. J. JAMADAR, J.)