

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

**JUDGES ORDER (TESTAMENTARY) NO. 129 OF 2024
IN
TESTAMENTARY PETITION NO. 1585 OF 2012**

Mukatabai Dattatary @ Dattu Dhanawade ...Petitioner
Versus
Dattatray @ Dattu Sitaram Dhanawade ...Deceased

Mr.Atul N Katkar for the Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 4th SEPTEMBER 2024

PC.:

1. Heard the learned Counsel for the Petitioner.
2. The learned Counsel for the Petitioner seeks leave to tender an additional affidavit in support of the Judge's Order.
3. Leave granted.
4. Additional affidavit is taken on record.
5. This Judge's Order is taken out seeking permission of the Court to sell the property i.e. Room No.2005, Building No.1D, 20th Floor, New Hind Mill, Mhada Complex, Rambhau Bhogle Marg, Mazgaon, Mumbai, belonging to the deceased.
6. The Letters of Administration in respect of property and credits of Dattatray @ Dattu Sitaram Dhanawade (the deceased) were granted in favour of the petitioner by an order dated 25th

April 2013. The aforesaid property has been transferred in the name of petitioner by Maharashtra Housing and Area Development Authority (MHADA). The petitioner has decided to sell the subject property for consideration of Rs.49,90,000/- to Mr.Umesh Suryakant Sawant and Mrs.Sadhana Umesh Sawant. A copy of the Agreement to Sell is annexed to the affidavit in support of the Judge's Order at Exhibit-B. Alongwith an additional affidavit filed today, the petitioner has annexed a loan closure certificate issued by Mumbai District Central Co-Op. Bank Ltd. The other heirs of the deceased namely Shivaji Dhanawade, Satyawar Dhanawade, Duryodhan Dhanawade, Arun Shamrao Mane and Sangita Mahadev Salunkh, have filed affidavits giving their consent for the sale of the subject property. The petitioner has given an undertaking to distribute the sale proceeds, after deducting the costs, charges and expenses of sale, amongst legal heirs of the deceased as per law. I am satisfied that permission can be granted to sell the subject premises.

7. Hence, the Judge's Order is accepted and signed separately.

(N. J. JAMADAR, J.)