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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

JUDGE'S ORDER NO. 145 OF 2024  
IN  
TESTAMENTARY PETITION NO. 612 OF 2022

Sushil Champaklal Marfatia ...Petitioner

Padma Champaklal Marfatia ...Deceased

Mr. Madhav Shah, for the Petitioner.

CORAM: N. J. JAMADAR, J.  
DATED: 20<sup>th</sup> SEPTEMBER, 2024

PC:-

1. Heard the learned Counsel for the petitioner.
2. The Judge's Order is taken out to dispense with the office requisition to justify surety for unpaid legacy to two non-consenting legatees. In the affidavit in support of the Judge's Order it is affirmed that the petitioner is willing to deposit the amount of Rs.5,000/-, each, towards the unpaid legacies of the two non-consenting legatees.
3. I have perused the Will. The deceased has bequeathed a sum of Rs.5,000/-, each, to his five daughters and Rs.1,000/-, each, to three charities mentioned therein. Two of the daughters have not given consent. The petitioner is willing to

deposit the amount of Rs.5,000/- for each of the two non-consenting legatees.

4. The office requisition to justify the surety of non-consenting legatees is dispensed with subject to the petitioner depositing Rs.5,000/-, each, towards the unpaid legacy of Ms. Pallavi Kapadia and Sheela Kapadia, the non-consenting legatees, and Rs.3,000/- towards the three charities named in the Will. The said amount be invested in an interest bearing account.

5. Subject to aforesaid conditions, the Judge's Order is accepted and signed separately.

[N. J. JAMADAR, J.]