

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.1024 OF 2024**

Khairunisa Sharafat Ali Sayed @ Khairunnisa
Sharafat Ali Sayed

... Petitioner

Dilshad Begum Mohd. Asgar Taqui @
Dilashad Begum Taqi

... Deceased

Ms. Mamta Dave, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 3 DECEMBER 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. This Petition is moved before the Court to dispense with the office requisition to justify the surety of non-consenting heirs of Dilshad Begum Mohd. Asgar Taqui (deceased) in respect of whose property and credits this Petition for Letters of Administration with the Will annexed has been filed.
3. The heirs mentioned at Sr. Nos.2 to 4 in the table at paragraph No.10 of the Petition have filed affidavits giving their consent for grant of Letters of Administration. Nahid Iqbal Mitha, daughter of the deceased, whose particulars are furnished at Sr. No.5 in the table is the non-consenting heir. Citation has been served on the abovenamed non-consenting heir. An Affidavit of service has been filed. APSO, Mumbai (Foreign) has informed that the postal article containing citation was served on the non-consenting

heir on 20 May 2024. The non-consenting heir has not appeared. The Petitioner thus seeks leave to tender a personal bond instead of justifying the surety for the share of non-consenting heir.

4. In view of the averments in the Petition and the undertakings in the Administration Bond, I am inclined to dispense with the office requisition to justify the surety for the share of the non-consenting heir, subject to the Petitioner furnishing an undertaking to distribute the property in accordance with the share of the non-consenting heir, and not to sell, alienate or otherwise create third party interest in the immovable property described in the Schedule I without the prior permission of the Court, and, in the event of the sale of the property, deposit the amount of the sale proceeds falling to the share of the non-consenting heir, in this Court.

(N.J.JAMADAR, J.)