

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.1593 OF 2024**

Bob Christopher Keeler and Anr. ... Petitioners

Aniyuo Christopher Keeler ... Deceased

Mr. Mani Thevar i/by Ganesh and Co., for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 30 AUGUST 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The Petition is moved for dispensing with the office requisition by an order dated 22 April 2024.
3. This Petition for Letters of Administration to the property and credits of Aniyuo C. Keeler (deceased) is filed by the Petitioners who are the brother and sister of the deceased. The Petitioners aver that the deceased was a divorcee. Christopher Keeler, father of the deceased and the Petitioners, are the only surviving heirs of the deceased. The deceased had no issue out of the marriage.
4. Officer on Special Duty with Testamentary Department has raised an objection that in view of the provisions of Section 42 of the Indian Succession Act, 1925, which provides that where the deceased has not left any lineal decedent or widow then the father will inherit the

property, the Petitioners to satisfy their capacity to present the Petition.

5. The learned Counsel for the Petitioners submits that the father of the deceased, who is 88 years of age, has filed an affidavit giving consent for filing of the Petition and for grant of Letters of Administration in respect of the property and credits of the deceased, to the Petitioners. Learned Counsel for the Petitioners invited attention of the Court to an order dated 14 January 2022 passed in TP(L) No.23699 of 2021, wherein in somewhat identical fact situation, office objection on similar lines was dispensed with.

6. I have perused the averments in the petition. Christopher Keeler, father of the deceased, who is otherwise entitled to succeed to the state of the deceased, has filed an affidavit giving consent for filing of the Petition and for grant of Letters of Administration to the Petitioners. The Petitioners are the brother and sister of the deceased.

7. In these circumstances, office objection questioning the capacity of the Petitioners to present the Petition stands dispensed with.

8. Department to proceed with the Petition.

(N.J.JAMADAR, J.)