

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

TESTAMENTARY PETITION NO. 2454 OF 2024

Gurupriya Pannalal Yadav And Anr. ...Petitioners

Sangeeta pannalal yadav alias Sangeeta P.
Yadav ...Deceased

Mr. Prabhu Velar, i/b Vilas Kadu, for the Petitioners.

**CORAM: N. J. JAMADAR, J.
DATED: 6th DECEMBER, 2024**

PC:-

1. Heard the learned Counsel for the petitioners.
2. The petition is moved before the Court seeking dispensation of the justification of the surety for the share of the non-consenting heir.
3. The petition has been filed for Letters of Administration to the property of Sangeeta Pannalal Yadav Alias Sangeeta P. Yadav, (the deceased). The petitioners are the daughters of the deceased. Pannalal Yadav, the husband of the deceased and the father of the petitioners, has allegedly deserted the petitioners after the demise of the deceased. The citation has been served by paper publication. The petitioners are stated to be pursuing education. The petitioners have filed an

affidavit and have undertaken that as and when the subject property is sold or third party rights are created, the petitioners will obtain prior permission of the Court and they will deposit the share of the deceased in the Court in the event the property is sold.

4. In view of the averments in the petition and the affidavit-cum-undertaking, the office requisition to justify the surety for the share of the non-consenting heir, stands dispensed with subject to the petitioners filing an undertaking that the petitioners will not sell or create third party rights in the subject property without the prior permission of the Court and in the event the property is sold the petitioners will deposit 1/3 share of the non-consenting heir in this Court.

[N. J. JAMADAR, J.]