



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.1582 OF 2024
IN
TESTAMENTARY PETITION NO.925 OF 2018**

Subhash Ramchandra Pewekar and Anr. ... Applicants/Petitioners

Mahadev Sakharam Nevrekar ... Deceased

Mr. V.N.Ajikumar i/by VNA Legal, for Applicant/Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 12 SEPTEMBER 2024

P.C.

1. Heard the learned Counsel for the Applicants.
2. This is an application seeking permission of the Court to sell the property i.e. Flat No.C-303, admeasuring 501 sq.ft. Situated at Shiv Shakti Complex, Third Floor, S.V.Road, Dahisar (E), Mumbai – 400 068.
3. By an order dated 29 June 2022, Probate in respect of the last Will and Testament of the deceased was granted in favour of the Petitioners. By an order dated 2 July 2024, the Petitioners were directed to file an affidavit indicating the optimum value of the subject flat and the consideration at which the applicants propose to sell the subject flat.
4. An Additional affidavit is filed by the Petitioners, affirming that the registered valuer had assessed the market value of the subject flat at Rs.80 Lakhs. The Petitioners have invited expression of interest from the parties

willing to purchase the subject flat. Two prospective purchasers have submitted offers. Mrs. Shruti C. Dhabalia and Mr. Chirag Suresh Dhabalia have offered a price of Rs.87,00,101/- and Smt. Jyoti Lakhmichand Gaba, Mr. Girish L. Gaba and Mr. Sunil Lakhmichand Gaba have offered a price of Rs.86,01,000/-. The Petitioners intend to accept the highest offer.

5. The reasons assigned in the application, affidavit in support of the application, further affidavit and the undertakings given by the Petitioners to distribute the sale proceeds in accordance with the disposition in the Will, I am inclined to allow the application.

6. The application, thus, stands allowed in terms of prayer clause (a).

7. Undertaking of the Petitioners to distribute the sale proceeds in accordance with the disposition in the Will are accepted as undertakings to the Court.

8. A copy of the Instrument of sale which would be executed by the Petitioners, be filed in the Registry within a period of four weeks from the date of execution of such Instrument.

9. The Interim Application stands disposed.

(N.J.JAMADAR, J.)