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

INTERIM APPLICATION NO.1731 OF 2024
IN
TESTAMENTARY PETITION NO.1030 OF 2006

Lakshmi Lalit Kadam and Anr. ...Applicants
vs.
Rajendra Rao @ Rajendra Gopalkrishna Rao ...Deceased

Mr. Prabhu Velar, for the Applicants.

CORAM : N. J. JAMADAR, J.
DATE : JULY 16, 2024

P.C.:

1. Heard the learned counsel for the parties.

2. Perused the order dated 8th April, 2021 whereby the office requisition to justify the surety for the share of Ashok Gopalkrishna Rao, one of the heirs of the deceased whose whereabouts were not known was disposed of upon the petitioners furnishing an undertaking to deposit 1/3 rd of the sale proceeds, upon the sale of the assets of the deceased.

3. Paragraph Nos. 4 and 5 of the said order, read as under:-

> 4] Mr Velar suggests instead that his client will give an undertaking that the fat will be preserved in its entirety. No part of it will be disposed of nor alienated without specific leave of the Court. As and when a buyer is sought and found, the share of Ashok Rao will be set aside and deposited in Court. The other assets in the estate are all mutual funds, bank accounts, etc. On the undertaking by the Petitioner to deposit one-third of the sale proceeds or realizations from liquidation of these assets, the requirement may be

> dispensed with.
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> 5] I will accept this undertaking. The Petitioners will file a separate undertaking in Court. The Petitioners are to inform the Prothonotary and Senior Master of every step that they are taking towards liquidation of the mutual funds and realization of bank accounts and will file an Affidavit when items 1 to 8 are realized. One-third of the total amount realized will be deposited in Court along with a statement of account. On deposit, that amount will be invested in the usual manner. Ashok G Rao, or his heirs, may at any time thereafter apply for withdrawal of the amount deposited and accrued interest.

4. The applicants/petitioners now seek leave to deposit 1/3 rd of the sale proceeds of the deceased which have been computed to Rs.15,66,966/- in the table at paragraph 7 of the application.

5. In view of the order passed by this Court on 8th April, 2021 and the averments in the application, the applicants are permitted to deposit the amount of Rs. 15,66,966/- towards the share of Ashok Gopalkrishna Rao.

6. The Registrar shall deposit the amount in an interest bearing account initially for a period of one year and thereafter renew the deposit till further orders.

Application disposed.

(N. J. JAMADAR, J.)