

Santosh

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

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2024.07.16
10:39:33 +0530

INTERIM APPLICATION NO. 1836 OF 2024
IN
TESTAMENTARY PETITION NO. 43 OF 2024

Jayalakshmi Raman Iyer

...Applicant -
Petitioner

Raman Iyer,

...Deceased

Mr. Nihar Chitre, for the Applicant – Petitioner.

CORAM: N. J. JAMADAR, J.
DATED: 15th JULY, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. This application is preferred to dispose of the requisition to justify the surety in respect of the share of Ms. Nikita Krishnan Iyer, the minor daughter of the predeceased son of the deceased.
3. In the application, it is averred that the daughter-in-law namely; Santoshkumari Krishnan Iyer and grand-daughter Yutika Krishnan Iyer, the minor, are together entitled to 1/9th share in the estate of the deceased. Santoshkumari Krishnan Iyer has filed an affidavit giving consent to the

grant of the Letters of Administration without justifying the surety.

4. I have perused the affidavit of Santoshkumari Krishnan Iyer, the mother and natural guardian of the minor. For the reasons assigned in the application and in view of the consent affidavit filed by the mother of the minor, I am impelled to hold that a justifiable case is made out to exercise the discretion to dispense with the requirement of justifying surety of the share of the minor Ms. Yutika Krishnan Iyer

5. The application stands allowed in terms of prayer clause (a).

6. Requisition to justify the surety for minor's share stands dispensed with.

[N. J. JAMADAR, J.]