

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

INTERIM APPLICATION NO.3599 OF 2024
IN
TESTAMENTARY PETITION NO.1799 OF 2024

Yogita Gitesh Masurkar and Anr. ...Petitioners

And

Housabai Chandrakant Funde ...Deceased

Mr. Nikhil Chavan i/b. Mr. Sandeep Kocharekar, for the Petitioners.

CORAM : N. J. JAMADAR, J.

DATE : DECEMBER 20, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The petition is moved to dispense with the office objections/requisitions to justify the surety for the share of non-consenting heir.
3. The service affidavit indicates that Indumati Dnyaneshwar Avhad, the non-consenting heir, has been duly served with the citation. The other heirs have given consent.
4. For the reasons assigned in the application, the office requisition to justify the surety for the share of non-consenting heir stands dispensed with subject to the petitioner filing an undertaking that the applicant/petitioners:

(a) shall indemnify the Prothonotary and Senior
Master against the claim of the non-consenting heir;

(b) will not to sell, alienate or otherwise create third party interest in the immovable property described in the Schedule without prior permission of this Court, and,

(c) in the event the said property is sold, to deposit the amount of sale proceeds falling to the share of non-consenting heir within a period of six weeks from the date of sale.

Application disposed.

(N. J. JAMADAR, J.)