

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 4202 OF 2024

Nutan Talakshi Gogari

...Petitioner

Bharati Kantilal Gangar

...Deceased

Adv. Prabhu Velar a/w Swati Rai i/by Ramji Gupta for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 13TH FEBRUARY, 2025

P.C.:-

1. The present Petition is on board seeking dispensation with office requisition which reads thus:

"1. Perused Petition. Petitioner to satisfy that in lifetime of the son of the deceased, the petitioner, being the sister of the deceased, can present the petition for Letters of Administration. Hence, adjourned."

2. Mr. Velar, Learned Counsel for the Petitioner submitted that the Petition is presented by sister of the deceased, who is class II heir. It is also submitted that the son of the deceased, who is class I heir has consented to file the Petition as all the other legal heirs are class II heirs. In view of this, Mr. Velar also points out that in a similar situation, this Court had vide an order dated 5th

October, 2020 passed in the case of *Jamnabai Harjibhai Hodar @ Jamnaben Harji Hodar @ J.H.Hadar and Kiran Damodar Hodar* (Testamentary Petition (L) No.213 of 2019) dispensed with the similar requisition and had permitted the Petition to be filed by a legal heir other than class I heir.

3. Having due regard to the submissions made as also having perused the said order, I am of the view that the son of the deceased Being class I heir, having specifically consented to filing the Petition, present requisition can be dispensed with and is accordingly dispensed with.

(ARIF S. DOCTOR, J.)