

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 720 OF 2024

Jaswant Singh Bisht Alias Jaswant

Singh Dalip Singh Bisht

...Petitioner

Dalip Singh Bisht Alias Dalip Singh Narsingh Bisht

...Deceased

Mr. Uttam S Rane for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 3RD JANUARY, 2025

P.C.:-

1. The present Testamentary Petition seeks Letters of Administration to the property and credit of one Dalip Singh Bisht alias Dalip Singh Narsingh Bisht. The deceased at the time of his death had a fixed place of abode at 3/4, Atomica, P.L. Lokhande Marg, Near Narayan Guru College, Chembur, Tilak Nagar, Mumbai, Maharashtra 400089 and left immovable properties within Greater Bombay and in State of Maharashtra.

2. The Petition sets out that the deceased died intestate and despite due and diligent search for a Will, none has been found. Paragraph 4 of the Petition

This order is corrected pursuant to speaking to the minutes order dated 4th February, 2025.

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sets out the names of the only heirs and next of kin of the deceased according to the provisions of the Hindu Succession Act, 1956.

3. Learned Counsel for the Petitioner submits that out of the legal heirs of the deceased, only Hema Govind Bisht (Daughter-in-Law), Navneet Singh Govind Singh Bisht (Grandson) and Dhruv Govind Singh Bisht (Grandson) have not consented to the present Petition. Learned Counsel very fairly points out that Hema Govind Bisht had in fact filed a Suit in the City Civil Court being Suit No.2573 of 2019. Learned Counsel points out that the same Suit came to be disposed of vide an order dated 30th April 2023 which records that the Suit was disposed of pursuant to consent terms filed between the parties, by which the Petitioners had agreed to pay the 1/3rd share of Hema Govind Bisht. He submits that the said share in fact been paid directly to Hema Govind Bisht.

4. Learned Counsel also invites my attention to the order passed by this Court in this Testamentary Petition on 3rd May, 2024 which directed that citations be served upon Hema Govind Bisht. Navneet Singh Govind Singh Bisht and Dhruv Govind Singh Bisht. He submits that the citations having been duly served, no appearance was entered by Hema Govind Bisht. Navneet Singh Govind Singh Bisht and Dhruv Govind Singh Bisht. Thus, there is no impediment in the Testamentary Petition proceeding.

5. Having due regard to the submissions made and also being satisfied that Respondent Nos.2a to 2c have been duly served, I find there is no impediment in the Letters of Administration proceeding. Hence, the office is directed to proceed with the said Petition in accordance with law.

6. Furnishing the surety in respect of the legal heirs of the deceased as mentioned in paragraph 3 is dispensed with for the reasons indicated earlier in the order

(ARIF S. DOCTOR, J.)