

Amberkar

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

**PETITION NO. 1333 OF 2025
WITH
INTERIM APPLICATION (L) NO. 23931 OF 2025**

Sadashiv Ramprasad .. Deceased

Vijaykumar Sadashiv Varma .. Petitioner

-
• Mr. V.P. Shastri, Advocate for Petitioner / Applicant

.....
CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 11, 2025

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 11.12.2025.

2. Heard Mr. Shastri, learned Advocate for Petitioner / Applicant.

3. By virtue of the present praecipe and Petition, certain directions are sought for from the Court. Office has raised objection seeking justification of share of non-consenting legal heir. Non-consenting heir is the daughter of deceased. Petitioner is the son of deceased. Mother has given her consent. There are only three legal heirs.

4. Mr. Shasti has at the outset sought amendment to prayer clause in the Petition seeking direction for issuance of grant in the name of three legal heirs whose names and details are given in paragraph No. 4 of Petition. Amendment to that effect is permitted to be carried out

forthwith before the Court which has been carried out in the copy of Petition in presence of Court. This amended copy of Petition shall be kept with original Petition. Re-verification stands dispensed with. Amendment is permitted to be carried out online by the Advocate for Petitioner forthwith.

5. In view of the above, there can be no impediment in taking up the present Petition as also Interim Application for passing orders. Interim Application is filed for dispensation of office objection of justifying share and surety of one non-consenting legal heir of deceased who is his daughter. Considering the nexus of deceased with non-consenting legal heir and the fact that the grant is now sought in the name of all three legal heirs whose names and details are given in paragraph No. 4 of Petition, the office objection requiring justification of surety of non-consenting legal heir stands dispensed with. Filing of appropriate administrative bond and undertaking / affidavit shall suffice which has already been filed. Interim Application thus stands allowed in terms of prayer clause (a).

6. In view of the above, there can be there can be no impediment in allowing the Petition. Hence Petition is allowed and disposed of in terms of amended prayer clauses (a) which read thus:-

"(a) That Letters of Administration may be granted in the name of all legal heirs whose details are stated in para 4 of the Petition".

7. Issuance of proclamation stands dispensed with.
8. Department is directed to issue the grant as directed above within a period of 3 weeks from today positively.
9. Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department. It is clarified that the 3 week period shall start from the date of removal of office objections.
10. Petition and Interim Application are disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.12.11
19:40:05 +0530