

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

TESTAMENTARY PETITION NO.3079 OF 2024

Suseela Dayanandan

... Deceased

Sajit Dayanandan

... Petitioner

Mr. Nagendrakumar S. Dubey for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 13TH MARCH 2025

P.C. :

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1. The matter is on board today seeking dispensation of the following requisition drawn by the Officer on Special Duty with the Testamentary Department vide his order dated 9th October 2024 :-

"Ld. Advocate for the Petitioner submits that administration bond was uploaded. However, same is disapproved by the department on the ground that surety is from the Chennai. Therefore, he will take the necessary steps by mentioning the matter before Hon'ble Court for dispensation of this requisition. Hence. Adjourned."

2. Learned Counsel appearing on behalf of the Petitioner points out that in terms of Rule 420 of the Bombay High Court (Original Side) Rules, 1980, there is no person in Maharashtra, who can furnish such administration bond.

3. Reliance is also placed on an order of this Court in the case of ***Ashok Chanderbhan Choithani, Petitioner & Hansa Chanderbhan Choithani, Deceased¹*** in which Learned Single Judge of this Court, while dealing with a similar requisition, *inter alia* held as follows:

- “3. The Petitioner has filed Petition for Letters of Administration as the mother in whose favour the Probate of the Will had been granted in the USA had expired. The only asset of the deceased is a bank account in the City Bank, P.M. Road Branch, Mumbai.*
- 4. Having considered the relevant Rules of the Bombay High Court (O.S.) Rules, in particular, Rule 420 for Administration Bond and Rule 422 which is for surety to be justified in certain cases, it is noted that there is no mention that the surety mentioned in the Administration Bond should be from the State of Maharashtra and/or from Mumbai.”*

4. Having due regard to the above, I find that the requisition is without merit and is accordingly dispensed with.

(ARIF S. DOCTOR, J.)

¹ Order dated 1st December 2021 in Testamentary Petition No.166 of 2020.