

Amberkar

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

TESTAMENTARY PETITION NO. 3191 OF 2024

WITH

WILL NO. 1284 OF 2024

I. Vittala Shetty

.. Deceased

Sampath Vittala Shetty

.. Petitioner

.....

- Mr. Jagdish S. Hegde, Advocate for Petitioner

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 5, 2025

P. C.:

1. Heard Mr. Hegde, learned Advocate for Petitioner.
2. Pursuant to the order dated 03.11.2025 affidavit of service of having effected service on non-consenting legal heir dated 03.12.2025 has been filed. Original is taken on record and placed in the file. Same has also been uploaded by learned Advocate for Petitioner.
3. The non-consenting legal heir despite having been served is not present when the matter is called out. Non-consenting legal heir is married daughter of the deceased. She has chosen not to appear despite having been served. This Court cannot wait endlessly. In view of the averments made in paragraph Nos. 5 to 12, there can be no impediment in allowing the present Petition.

4. Petition is allowed. Letters of Administration with Will annexed be granted to Petitioner having effect throughout Union of India.
5. Issuance of proclamation stands dispensed with.
6. Department is directed to issue the grant as directed above within a period of 3 weeks from today positively.
7. Misc. 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.
8. Petition is disposed.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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