

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.4739 OF 2024

Pradeep Beri s/o Rup Lal Beri alias

Beri Pradeep Robert

... Deceased

Uma Beri w/o Pradeep Beri

... Petitioner

Mr. Aarif Ali for the Petitioner.

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CORAM : ARIF S. DOCTOR, J.

DATE : 21ST MARCH 2025

P.C. :

1. The matter is on board seeking dispensation of the following requisition dated 19th October 2024 raised by the Officer on Special Duty with Testamentary Department, which reads as follows:

"2 Advocate to file an affidavit of Service of General Citation and also effect service upon non-consenting legal heirs, if any as per Rules 399 and 400 of BHC Rules and also justify the surety of non-consenting legal heirs, if any, and furnish Administration Bond for the gross amount as per Rule 420 of the BHC Rules, within one week after that, if there are other legal heir(s) other than the petitioner(s)."

2. Learned Counsel appearing on behalf of the Petitioner submits that difficulty in furnishing the administration bond, as directed, is that, there is no one present within the jurisdiction of this Court to furnish the

administration bond in terms of Rule 420 of the Bombay High Court (Original Side) Rules, 1980.

3. A perusal of Rule 420 of the Bombay High Court (Original Side) Rules, 1980 shows that the said Rule does not require the person furnishing the administration bond to be present or situated in Mumbai.

4. Another Learned Single Judge of this Court, when considering the similar issue, has held in the case of ***Ashok Chanderbhan Choithani, Petitioner & Hansa Chanderbhan Choithani, Deceased***¹ 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."

5. 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.