

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

TESTAMENTARY PETITION NO.4861 OF 2024

Kays Buddhisagar Chinai alias Kays B Chinai
alias Kays Chinai alias Khshitij Buddhisagar Chinai
alias Kshitij B Chinai alias Kshitij Chinai ... Deceased

Cecilia Benavides Chinai alias Cecilia B. Chinai
alias Cecilia Benavides ... Petitioner

**WITH
WILL NO.1932 OF 2024
IN**

TESTAMENTARY PETITION NO.4861 OF 2024

Digitally
signed by
MUGDHA
MANOJ
PARANJAPE
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Mr. Nilesh Modi & S. P. Mathkar i/by Rustamji & Ginwala for the Petitioner.

**CORAM : ARIF S. DOCTOR, J.
DATE : 21ST MARCH 2025**

P.C. :

1. The matter was on board today in view of the requisition dated 20th December 2024 raised by the Officer on Special Duty with Testamentary Department, which reads as follows:

*"1. Ld. Advocate for the petitioner has relied upon the decision of the Hon'ble Delhi High Court in case of **Rajesh Sinha & Ors. Vs. State [2015(151) DRJ 434]**. She submitted that the petitioner is widow and sole surviving legal heir of the deceased as per the Provisions*

of the Hindu Succession Act, 1956. Hence, law laid down in the said decision as well as the directions issued by the Hon'ble Court in TP No. 2556/2022, 2559/2022 and 2918/2023 are applicable to the present case, and thus the petitioner is exempted from execution of an administration Bond.

2. *The order, referred by Ld. Advocate for the petitioner, is passed in the Testamentary Petition for letters of administration. This petition is for letters of administration with Will Annexed. It is admitted that as per the petition, the petitioner is widow of the deceased and as per the Will, she is sole legatee. There are no other legal heirs of the deceased.*
3. *However, it would be proper to seek the direction of the Hon'ble Court to extend the direction given in the above referred order to present case."*

2. Learned Counsel for the Petitioner points out that the aforesaid requisition is entirely misconceived given the orders passed by this Court in the cases of ***Neela Ravi Rosha (Deceased) & Srendrarnath Ravi Rosha***¹ and ***Shailesh Vasant Masurekar (Deceased) & Snehal Shailesh Masurekar & Anr. (Petitioners)***². He submits that in the cases, where the person applying for Letters of Administration, is the only legal heir of the deceased, then the need for giving administration bond in terms of Rule 420 of the High Court (Original Side) Rules, 1980 does not arise. He submits that despite the view taken in the aforesaid orders, the Officer on Special Duty, has directed the Petitioner to seek directions from this Court.

1 Order dated 28th February 2023 in Testamentary Petition No.2556 of 2022.

2 Order dated 2nd February 2024 in Testamentary Petition No.2918 of 2023.

3. In view of the orders passed by this Court, referred above, which made clear that there is no need for furnishing of administration bond when the Petitioner is the sole legatee, the requisition is dispensed with.

4. Testamentary Registrar to act accordingly.

(ARIF S. DOCTOR, J.)