

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 6033 OF 2024

Aida Nunes Alias Ida Barretto

...Petitioner

Lourdinho Elesbao Barretto Alias Elisbao Barreto Alias E Barretto

..Deceased

Mr. Uttam Rane for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATED : 21st FEBRUARY 2025

P.C. :

1 The matter is on board today under the caption for directions in view of the following requisition raised by the Testamentary Department :

“Advocate to take steps in respect of service of General Citation and also to affect the service upon non-consenting legal heirs, if any, as per Rules 399 and 400 of BHC Rules. In case non-consenting legal heirs, the petitioner shall justify the share of such heir/s. The petitioner shall furnish Administration Bond for the gross amount as per Rule 420 of the BHC Rules, within one week after that, if there are another legal heir/s other than the petitioner/s”

2 Mr. Rane, today submits that he will comply with the said requisition and furnish the administration bond for the gross amount as per Rule 420 of the Bombay High Court Rules. Mr. Rane submits that since the administration bond will be furnished by a surety, who resides outside the jurisdiction of this court, the registry might place a possible objection. It is to obviate these objections and facilitate the acceptance of the said administration bond, that today Mr. Rane seeks appropriate directions to the Testamentary Registrar to accept the

administration bond as shall be furnished. He then submits that this court in similar circumstances dispensed with the submission of administration bond by a surety who resides beyond the jurisdiction of this court and prays for a similar dispensation in the present case. However, since today, there is no such requisition / objection raised by the Testamentary Department and in view of the fact that the caption Testamentary Petition is a non contesting Testamentary Petition, the issue that would arise can be decided in accordance with Rule 371 of the Bombay High Court Rules.

3 Thus the present requisition is accordingly disposed of in the above terms.

(ARIF S. DOCTOR, J.)