

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
INTERIM APPLICATION NO. 3897 OF 2024  
IN  
TESTAMENTARY PETITION NO. 1325 OF 2024

Girish Kumar Vasanji Bhatia ...Applicant

**In the matter between**

Jayshree Girish Bhatia ...Deceased

Girish Kumar Vasanji Bhatia ...Petitioner

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Ms. Sapana Rachure for the Applicant.  
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CORAM : ARIF S. DOCTOR, J.  
DATE : 23RD JANUARY, 2025

**P.C.:-**

1. This Court had vide an order dated 23<sup>rd</sup> April, 2024 granted the Applicant Letters of Administration without a Will in respect of the properties and credits of one Jayshree Girish Bhatia (the deceased).

2. Learned Counsel for the Applicant points out that after the issuance of the grant, it came to the knowledge of the Applicant when the Applicant had sought a transfer of the flat that the deceased had left behind her the following persons as her only legal heirs and next of kin in accordance with the provisions of the Hindu Succession Act, 1956

| Sr. No. | Names                       | Addresses                                                                                              | Relation         |
|---------|-----------------------------|--------------------------------------------------------------------------------------------------------|------------------|
| 1.      | Girish Kumar Vasanji Bhatia | 420/8, Murli Mahal, Bhaudaji Cross Road No.-10 Opp Municipal Office Matunga (East), Mumbai.            | Widower          |
| 2.      | Kalpana Shamik Dave         | Narmada Ashish, 53 Vallabh Nagar Society N.S. Road No.2 Juhu Scheme, Vile Parle (West) Mumbai – 400056 | Married daughter |
| 3.      | Sejal Girishkumar Gandhi    | 34193, Donahue Terrace, Fermont, CA 94555                                                              | Married daughter |
| 4.      | Samir Girish Bhatia         | 420/8, Murli Mahal, Bhaudaji Cross Road, No.-10 Opp Municipal Office Matunga (East), Mumbai.           | Son              |

3. The Letters of Administration was granted in view of the Consent Affidavits which had been filed by all the legal heirs of the deceased. Learned Counsel points out that however when the Applicant sought transfer of the flat (being Flat No.A2-802, Margosa Heights, Mohammedwadi, Pune-411060) to the name of the Applicant, it was pointed out by the Developer that in the Consent Affidavits filed it was mentioned that the consent was to grant of Letters of Administration with a Will. Learned Counsel points out that the error in the Consent Affidavits was purely inadvertent. She submits that two of the above

legal heirs namely Mr. Samir Girish Bhatia and Mrs. Kalpana Shamik Dave have today filed fresh Consent Affidavits specifically stating that the consent was to the grant of Letters of Administration (without a Will), however, since Sejal Girishkumar Gandhi, one of the legal heirs is residing in United States, her Consent Affidavit has not been obtained. Learned Counsel seeks leave to file the said Affidavit. Once this is done, I find no impediment in allowing the Interim Application.

4. Hence, stand over to 30<sup>th</sup> January, 2025 to enable Learned Counsel to file relevant Affidavit.

**(ARIF S. DOCTOR, J.)**