

HARSHADA H. SAWANT
(P.A.)

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

PETITION NO.4509 OF 2025

Nazreen Syed Arif Raza alias Nazreen Raza .. Deceased

Arsheya Raza .. Petitioner

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• Mr. Dharmesh S. Jain, Advocate i/by Anil T. Agarwal for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2025

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 15.10.2025. Perused the praecipe.

2. Heard Mr. Jain, learned Advocate for Petitioner.

3. The requisition raised by Department in order dated 15.09.2025 is *prima facie* innocuous. It ought not have to be raised. Consent Affidavit of legal heir namely Respondent is appended at page No.20 of the Petition. There is no cross Petition filed as informed by learned Advocate. Therefore dispensation of Rule 407 of Bombay High Court (Original Side) Rules, 1980 has to be allowed.

4. In that view of the matter, no further objection survives. Requisition dated 15.09.2025 stands complied with. Since Petitioner and Respondent are the only two legal heirs and Respondent has already given his Consent Affidavit which is appended at page No.20 of

the Petition, there can be no impediment in allowing the Grant.

5. Respondent -brother has relinquished his right. In the first instance such Petition should not have been listed before this Court. Testamentary Department shall institute an enquiry against concerned Officer as to why such requisition dated 15.09.2025 was indeed raised and file a report in this Court.

6. The Grant is directed to be issued to the Petitioner within a period of three weeks from today positively and unfailingly.

7. I am informed that all office objections have been removed.

8. In that event there shall be no delay in issuance of Grant.

9. In view of the above, Petition is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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