

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 5197 OF 2025
IN
TESTAMENTARY PETITION NO. 5363 OF 2024**

Rajaram Baburao Bhuwad	.. Deceased
Shreya Rajan Khandekar and Anr.	.. Petitioners
Girish Rajaram Bhuwad	.. Respondent

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- Mr. Vasim Siddiqui, Advocate for Petitioners.

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**CORAM : MILIND N. JADHAV, J.
DATE : DECEMBER 12, 2025.**

P.C.:

1. Heard Mr. Siddiqui, learned Advocate for Petitioners.
2. The non-consenting legal heir has been served with citation on 21.09.2024. Affidavit of citation dated 28.01.2025 is filed and placed on record. Mr. Siddiqui, learned Advocate for Petitioners thereafter places on record Affidavit of service dated 18.09.2025 having effected service of the Interim Application on the non-consenting legal heir. The same is taken on record. Thereafter he places on record Affidavit of service dated 11.11.2025 intimating the date of hearing of the present Interim Application on the non-consenting legal heir. Non-consenting legal heir is the brother of Petitioner. Today, when the matter is called out for hearing, he is not present. This Court cannot wait endlessly for the litigating parties to come and remain present before this Court. For the last 3 dates, the

Respondent is not remaining present before Court despite having been served.

3. In that view of the above, service Affidavit having been effected, Interim Application is taken up for hearing forthwith. Grievance of the Petitioners is that the Department has asked them to justify the share of non-consenting legal heir who is their own brother.

4. In the present matter, Petitioners have already filed their Administration Bond and separate Affidavit of undertaking dated 18.02.2025. In that view of the matter, there can be no impediment in accepting the same and more specifically so due to Respondent not remaining present before this Court. Interim Application stands allowed in terms of prayer clause 'a'.

5. Justification of surety of the non-consenting legal heir stands dispensed with. Office objection raised by the Department dated 07.03.2025 stands dispensed with.

6. Department to proceed with issuance of Grant in accordance with law by accepting the Administration Bond and Affidavit of undertaking.

7. Interim Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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