

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.5461 OF 2025
IN
TESTAMENTARY PETITION NO.1890 OF 2021

Vatsala Shrikant Kapadi .. Applicant

IN THE MATTER OF:

Pandurang Gangaram Mahajan .. Deceased

Vatsala Shrikant Kapadi .. Petitioner

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- Mr. Sunil J. Kanoujia a/w. Ms. Priyanka R. Kanoujia, Advocates for Applicant / Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 05, 2025

P.C.:

1. Heard Mr. Kanoujia, learned Advocate for Applicant / Petitioner.

2. Department has raised objection vide requisition dated 26.07.2024.

3. There are two objections. The first objection, *inter alia*, pertains to the amount which is stated in the administration bond and it is held as defective since it is pertains only to net amount. Mr. Kanoujia informs the Court that admittedly the amount of funeral charges has not been included and that is the reason why the amount of Rs.12,50,000/- in respect of movable property / share is reflected in the administration bond. He would submit that bond has been filed in

the Court but the Department has advised to file fresh bond. He has drawn my attention to Exhibit - E, page No.20 - undertaking which has been filed by the Petitioner. He would submit that in the interest of justice it will be cumbersome for Applicant to file a fresh bond and therefore he requests the Court to dispense with the objection and accept the bond which is filed.

4. In view of the Undertaking given in clause No.4 that the Petitioner shall duly account for all and every sum of money which she shall receive, objection No.1 in the requisition dated 26.07.2024 stands dispensed with.

5. Department is directed to accept the administration Bond and Undertaking which is appended at page No.20 as adequate and proceed with issuance of Grant in accordance with law.

6. The second objection pertains to justification of surety of one share of Bharti against whom citation has been published. The averment in the Petition as also Application are consistent. The whereabouts of Bharti are not known.

7. In that view of matter and in view of the statement made by the Petitioner in clause No.4 of the Undertaking, objection No.2 to justify the share of Bharti also stands dispensed with in the facts and circumstances of the present case and the filing of the Administration bond would suffice.

8. In view of the above order, requisition dated 26.07.2024 stands complied with and Department is directed to proceed with issuance of Grant and the same is directed to be issued within a period of three weeks from today to the Petitioner on all compliances.

9. Interim Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]