

Amberkar

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

INTERIM APPLICATION (L) NO. 8051 OF 2026
IN
PETITION NO. 3283 OF 2025

Harbanslal Bansidhar Gupta alias
Gupta Harbanslal B. alias
Harbanslal Gupta

.. Deceased

Sudhir Harbanslal Gupta

Applicant /
.. Petitioner

Versus

Chandresh Shah

.. Proposed Respondent

-
- Ms. Seema Hunnurkar, Advocate for Applicant / Petitioner
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 10, 2026

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 10.03.2026.

2. Heard Ms. Hunnurkar, learned Advocate for Applicant / Petitioner.

3. Insofar as objection No. 1 raised in the order dated 04.12.2025 is concerned, same stands dispensed with. Department shall accept the surety to the Administration Bond of the same person who has given surety in another matter and proceed further.

4. Once the Respondent - Executor has already filed his affidavit renouncing his right to act as executor and has also given his consent for grant of Letters of Administration (De-Bonis-Non), objection No. 2 raised in the said order is not sustainable. Same shall stand dispensed with in terms of Section 301 of the Indian Succession Act, 1925.

5. In view of the above, Interim Application (L) No. 8051 of 2026 is allowed and disposed of in terms of prayer clause (a).

6. From the Petition it is seen that the legal heirs whose names and details are delineated in paragraph No. 8 of the Petition have given their consents which are appended to the Petition. Once that is the position, there can be no impediment in allowing the Petition. Details of the deceased duly certified by documentary evidence are appended to the Petition. Last Will and Testament is also appended. Previous grant is appended at page No. 38 of Petition. In that view of the matter, Petition stands allowed in terms of the relief sought for by Petitioner.

7. In view of the above, there can be no impediment in allowing the Petition. Testamentary Petition is allowed and disposed of in terms of prayer clause which reads thus:-

“That the Letters of Administration with the Will annexed (De-Bonis-Non) may be granted, in favour of the Petitioner herein, as one of the Legatee of the deceased, having effect throughout India.”

8. Department is directed to issue the Letters of Administration as directed above within a period of 3 weeks from today positively.

9. Testamentary Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

Amberkar

[MILIND N. JADHAV, J.]

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