

Amberkar

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

**TESTAMENTARY PETITION NO.3339 OF 2025**

Sarojini Vasant Prabhu .. Deceased

Amitesh Laxman Prabhu .. Petitioner

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. Mr. Vasantkumar V. Takke, Advocate for Petitioner.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : JANUARY 16, 2026**

**P. C.:**

- 1.** Heard Mr. Takke, learned Advocate for Petitioner.
- 2.** Considering the fact that Class-I legal heir who is the sister-in-law of deceased is 102 years, it is clear that she would find it very difficult to prosecute the present Petition. She has given her full free consent in favour of Petitioner who is the Class – II legal heir of the deceased. Petitioner is nephew of the deceased. The Consent Affidavits are filed. Petition is held to be maintainable in the aforesaid special facts and circumstances of the present case.
- 3.** Petition is taken up for hearing forthwith.
- 4.** Present Testamentary Petition is filed by Petitioner for issuance of Letters of Administration under Section 278 of the Indian

Succession Act, 1925 in respect of the properties and credits of deceased Sarojini Vasant Prabhu.

5. The names and details of legal heirs of the deceased are stated in paragraph No.6 of the Petition. Purpose for filing the present Petition is stated in paragraph No.12 of the Petition.

6. As stated in the paragraph No.6, Consent Affidavits of the legal heirs whose names are mentioned therein are appended to the Petition namely Shanta Laxman Prabhu; Vimal Mukund Gaitonde; Nandini Girish Telang; Mahesh Laxman Prabhu and Vishwanath Pokka Prabhu; Anjali Mallya appended at page Nos.19, 21, 23, 25, 27 and 29. I have perused the same and they are in order.

7. The consent Affidavit of Jyoti Manvendra Pai (niece) is not appended to the Petition. She has been duly served by email dated 16.12.2024. Petitioner has received reply thereto on 17.12.2024 from her stating that she would prefer not to be informed on future formalities and Petitioner can take her off the list. Petitioner shall file appropriate affidavit of emails dated 16.12.2024 and 17.12.2024. Same shall be accepted by the Department. In that view of the matter, Petitioner is permitted to file appropriate administration bond justifying surety of the aforesaid non-consenting legal heir. Same shall

be accepted by the Department as adequate surety and grant be issued.

8. In view of the above, there can be no impediment in allowing the Petition in that regard for issuance of Grant. Petition therefore stands allowed in terms of relief prayed for in terms or prayer clause (a) which reads thus:-

*“a) That Letters of Administration may be granted to the Petitioners having effect all over India.”*

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

10. 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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by RAVINDRA  
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