

Amberkar

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

TESTAMENTARY SUIT NO. 120 OF 2025
IN
TESTAMENTARY PETITION NO. 1609 OF 2024

Narayan Baburao Sakat alias
Narayan Babu Sakat

.. Deceased

Ramdas Narayan Sakat

.. Plaintiff

Versus

Meena Samrat Sakat

.. Defendant

.....

- Ms. Bhakti Patil i/by Mr. Prabhu Velar, Advocate for Plaintiff
- Mr. Ashish Dubey a/w Ms. Yogita Kanojia, Advocate for Defendant

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2026

P. C.:

1. Heard Ms. Patil, learned Advocate for Plaintiff and Mr. Dubey, learned Advocate for Defendant.

2. Petition is filed by Petitioner for issuance of Letters of Administration in respect of the properties and credits of deceased abovenamed who has expired on 21.07.1994. The names and details of legal heirs of the deceased are stated in paragraph No. 4 of the Petition. Purpose for filing the present Petition is stated in the Petition. I have perused the same.

3. It is seen that deceased is survived by six sons and two daughters. Once of the son of the deceased has also expired in the

interregnum. He is represented by Mr. Dubey, learned Advocate. The details of his legal heirs are also stated in the Petition. To the extent of giving consent, Mr. Dubey would submit that since the primary purpose of filing the Petition would be to claim entitlement in respect of the premises belonging to the deceased which are presently occupied by the family members of one of the deceased son of deceased, the said legal heirs have not given their consent. He would submit that the said premises are going for redevelopment and therefore the consent has not been given by them.

4. Ms. Patil, learned Advocate for Petitioner and other legal heirs would submit that in any event, the claim of deceased son of deceased in respect of the estate of the deceased would be to the extent of 1/8 share. Be that as it may insofar as the premises which are occupied by the legal heirs of the deceased son of deceased are concerned, the orders passed by this Court in the case of *Vipul Fatehchand Shah v. Nav Samir Co-operative Housing Society & Ors.*¹ and *Ritesh Halder v. Elie Housing LLP & Ors.*² with respect to corpus, transit rent and other charges shall govern their respective rights in accordance with law.

5. Mr. Dubey would persuade me to also include the possession after redevelopment but that is something which this Court cannot direct. Entitlement of the legal heirs of the deceased son for their

1 Comm. Appeal (L) No. 25162 of 2023 decided on 06.10.2023

2 2025 SC (Online) (Bom) 6710

occupation of premises which belonged to the deceased will be determined in accordance with law. To that extent it will be open for Mr. Dubey's client to approach the Civil Court and seek appropriate reliefs as available to them in law. It is clarified that this Court does not determine the extent of shares or relief of partition of shares or entitlement while issuing the grant. Requirement for issuance of grant is on the basis of purpose which is stated in the Petition but that does not *ipso facto* mean that this Court will give a declaratory relief to any of the legal heirs of the deceased with respect to the estate and property of the deceased. Grant is issued for administration of the properties and credits belonging to the deceased in accordance with law. Therefore this order has been passed since Mr. Dubey's clients are in occupation of the said premises. In that view of the matter they will be governed by the extant orders passed and the law in regard thereof. This order does not settle the entitlement of Mr. Dubey's client which shall be noted by all the parties.

6. In view of the above, Suit is disposed with liberty to the non-consenting legal heirs to approach the Civil Court and obtain appropriate declaratory reliefs in accordance with law.

7. Department is directed to proceed with the Petition and issuance of grant in accordance with law.