

Amberkar

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

INTERIM APPLICATION (L) NO. 6752 OF 2026

IN

PETITION NO. 5053 OF 2025

Manohar Babu Mestry alias
Manohar A. Mistry

.. Deceased

Deepak Manohar Mestry & Anr.

Applicants /
.. Petitioners

-
- Ms. Seema Hunnurkar, Advocate for Applicant / Petitioners
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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 Applicants / Petitioners.

3. In view of the fact that non-consenting legal heirs are the three daughters of the deceased and sisters of two Petitioners before the Court and they despite having been served with citation not having filed their consents, Petitioners have sought for dispensation with the condition for justifying surety of non-consenting legal heirs. Admittedly Petitioner are entitled to 1/5th share each whereas non-consenting legal heirs shall be entitled to the balance of 1/5th share.

In that view of the matter, the condition for justifying surety of the non-consenting legal heirs stand dispensed with.

4. Needless to state that appropriate condition shall be mentioned in the grant that will be issued to secure the shares of the non-consenting legal heirs who are the sisters of Petitioners.

5. Considering that there is no other compliance required to be done and in view of the material placed on record, present Interim Application deserves to be allowed in terms of prayer clauses (a) and (b).

6. Department shall proceed expeditiously further for determining Petition No. 5053 of 2025.

7. Interim Application is disposed.

[MILIND N. JADHAV, J.]

Amberkar

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