

SPECIMEN OF JUDGE'S ORDERS
IN
TESTAMENTARY MATTERS

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JUDGE'S ORDER FOR JUSTIFYING SURETY

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

JUDGE'S ORDER NO. _____ OF _____

IN

TESTAMENTARY PETITION NO. _____ OF _____

.....Deceased

.....Applicant

.....Petitioner

CORAM: _____, J.

DATE: _____, 2018

Upon reading the Affidavit of, the Petitioner abovenamed which is solemnly affirmed on in support of Judge's Order AND UPON HEARING, Advocate for the Petitioner, I DO HEREBY ORDER THAT the Petitioner be directed to justify the surety in respect of the entitled legacies of the non-consenting legal heirs i.e. and, in the following manner:-

(a) The Petitioner to file an Undertaking in this Hon'ble Court within four weeks from today, whereby the Petitioner undertakes that the Petitioner shall not deal with, dispose of, alienate and/or create third party rights in respect to the share of the aforementioned two non-consenting legal heirs i.e. 16.67% of the estate of the Deceased, which amounts to a sum of Rs./- (Rupees only) plus proportionate dividends and/or interests accrued thereupon, if any, out of the total debts and securities amounting to a sum of Rs./- (plus dividends and interests accrued, if any) in name of the Deceased as shown in the Schedule annexed to the present Petition.

(b) The Petitioner to file an Undertaking in this Hon'ble Court within four weeks from today, whereby the Petitioner undertakes that the Petitioner shall transfer and

deposit the respective shares of the aforementioned two non consenting legal heirs amounting to 16.67% of the estates of the Deceased, which amounts to a sum of Rs./- (Rupees only) plus proportionate dividends and/or interests accrued thereupon, if any, out of the total debts and securities amounting to a sum of Rs./- (plus dividends and interests accrued, if any) in the name of the Deceased as shown in the Schedule annexed to the present Petition, into the accounts of the said two non consenting legal heirs and/or deposit the said shares into the accounts of this Hon'ble Court for further transfer to the said two non consenting legal heirs respectively, within a period of four weeks of the realization and receipt of the said debts and securities in the accounts of the Petitioner. That in case of the deposit of the aforementioned shares in the accounts of this Hon'ble Court, the said amounts shall remain deposited with this Hon'ble Court till and upto the time of the making of the claim by the said two non consenting legal heirs independently.

(c) In view of the above, the objection regarding justifying surety to be given by the Petitioner shall stand complied with.

(_____, J)

Advocate for Applicant

JUDGE'S ORDER FOR JUSTIFYING SURETY

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTTESTATE JURISDICTION

JUDGE'S ORDER NO. _____ OF _____

IN

TESTAMENTARY PETITION NO. _____ OF _____

..... ..Deceased

..... ..Petitioner

CORAM: _____, J.

DATE: _____, 2018

UPON READING Affidavit of, the Petitioner abovenamed solemnly affirmed on in support of Judge's Order AND UPON HEARING, Advocate for the Petitioner abovenamed I DO HEREBY ORDER that the Petitioner is permitted to deposit with the Prothonotary and Senior Master, High Court, Bombay, a sum of Rs...../- (Rupees only) towards 1/12th share of, being one of the legal heirs of the Deceased, in newly added assets AND I DO HEREBY FURTHER ORDER that upon receiving the said sum of Rs..... (Rupees only) as aforesaid, the Prothonotary and Senior Master, High Court, Bombay, do invest the same in any Nationalized Bank for a period of one year initially and from time to time thereafter until further order of this Hon'ble Court AND I DO HEREBY FURTHER ORDER that upon the Petitioner submitting the proof of deposit of the said sum of Rs...../- (Rupees only) with the Prothonotary and Senior Master, High Court, Bombay, the justifying surety in respect of 1/12th share of the said being one of the legal heirs of the Deceased, in newly added assets shall stand dispensed with AND I DO HEREBY LASTLY ORDER that the certified copy of this order be issued expeditiously.

(_____, J)

Advocate for the Petitioner.

JUDGE'S ORDER FOR DIRECTIONS TO ACCOUNTS OFFICER

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
JUDGE'S ORDER NO. _____ OF _____
IN
TESTAMENTARY PETITION NO. _____ OF _____

.....Deceased
.....Applicant
.....Petitioner

CORAM: _____, J.

DATE: _____, 2018

UPON PERUSING Joint Affidavit of, the Petitioner abovenamed, and the Applicant abovenamed, solemnly affirmed on AND UPON PERSUING the Exhibits annexed thereto AND UPON HEARING Shri, Advocate for the Applicant, I DO HEREBY ORDER that the Accounts Officer, High Court, Bombay, do handover Fixed Deposit Receipt with _____ Bank, _____ Branch, Mumbai, of face value of Rs./- (Rupees only) and the Fixed Deposit Receipt with the Bank of Maharashtra, Mantralaya Branch, for the face value of Rs...../- (Rupees only) duly endorsed in favour of _____, the Applicant abovenamed and pay the Cash Balance of Rs...../- (Rupees only) with further accretions of interest if any accrued thereon to the Applicant as shown in Account Officer's Certificate of Balance bearing No. dated Cause No. AND I DO LASTLY ORDER that the issuance of the Certified Copy of this order is expedited.

(_____, J)

Advocate for Applicant

JUDGE'S ORDER
FOR INVENTORY OF BANK LOCKER

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTTESTATE JURISDICTION

JUDGE'S ORDER NO. _____ OF _____

IN

TESTAMENTARY PETITION NO. _____ OF _____

..... Deceased

.....Petitioner

CORAM: _____, J.

DATE: _____, 2018

UPON PERUSING the Affidavit of, the Petitioner abovenamed, in support of Judge's Order, solemnly affirmed on AND UPON HEARING, Advocate for the Petitioner, I DO HEREBY ORDER that the Chief Manager of do allow the Petitioner to take inventory of Locker bearing No. standing in the name of the Deceased abovenamed, AND I DO HEREBY FURTHER ORDER that the Officer of this Court to take inventory of said Locker in presence of the Petitioner, Advocate for the Petitioner, Bank Officer, Government Approved Valuer, to be appointed by the Petitioner, who will value the contents of the articles to be found in said locker AND I DO HEREBY FURTHER ORDER that upon completion of said inventory, Officer of this Court to sign the inventory and the Petitioner, Advocate for the Petitioner, Bank Officer and Government Approved Valuer to counter-sign the same AND I DO HEREBY FURTHER ORDER that thereafter the Officer of this Court to keep back the contents in said locker alongwith copy of said inventory in presence of aforesaid Officials AND I DO HEREBY FURTHER ORDER that the Officer of this Court to deposit original of said inventory alongwith the key of said locker with the Office of the Prothonotary and Senior Master, High Court, Bombay, within two weeks from the date of said inventory AND I DO HEREBY FURTHER ORDER that the Petitioner to pay a sum of Rs./- (Rupees _____ only) to the Officer of this Court as costs of said Commission AND I DO HEREBY LASTLY ORDER that certified copy of this Order be issued expeditiously.

(_____, J)

Advocate for the Petitioner.

JUDGE'S ORDER FOR SETTING ASIDE DISMISSAL ORDER

IN THE HIGH COURT OF JUDICAUTE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

JUDGE'S ORDER NO. _____ OF _____
IN
TESTAMENTARY PETITION NO. _____ OF _____

..... ..Deceased

..... ..Petitioner

CORAM: _____, J.

DATE: _____, 2018

UPON READING the Affidavit of, the Petitioner abovenamed solemnly affirmed on in support of Judge's Order AND UPON HEARING, Advocate for the Petitioner abovenamed I DO HEREBY ORDER that the dismissal of Petition pursuant to Order passed by _____ dated for non-removal of office objections, is hereby set aside and the Petitioner is hereby granted permission under Rule 435 of the High Court (O.S.) Rules, 1980, to proceed with the Petition, subject to Petitioner complying with the Office requisitions withing _____ weeks from today, failing which Petition to stand dismissed without further reference to the Court.

(_____, J)

Advocate for the Petitioner.

JUDGE'S ORDER

PERMITTING SALE OF PROPERTY

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

JUDGE'S ORDER NO. _____ OF _____

IN

TESTAMENTARY PETITION NO. _____ OF _____

.....Deceased

.....Petitioner

CORAM: _____, J.

DATE: _____, 2018

UPON PERUSING the Affidavit of the Petitioner abovenamed, in support of Judge's Order, solemnly affirmed on AND UPON PERUSING the Exhibits annexed thereto AND UPON HEARING Shri, Advocate for the Petitioner AND UPON PERUSING the Consent Affidavits of legal heirs of the Deceased abovenamed I DO HEREBY ORDER that the Petitioner be and is hereby permitted to sell immovable property i.e.,, standing in the name of the Deceased abovenamed, as per Schedule annexed to the Petition, to, the purchaser, for consideration sum of Rs..... (Rupees only), as per the terms and conditions mentioned in the draft Sale Deed annexed to the Affidavit in support of this Judge's Order AND I DO HEREBY FURTHER ORDER that the Petitioner to distribute the sale proceeds, after deducting costs, charges and expenses of said Sale, amongst the legal heirs, as per law AND I DO HEREBY FURTHER ORDER that the Petitioner do file compliance of said Order within four weeks from the date of said Sale with the Office of the Prothonotary and Senior Master, High Court, Bombay, AND I DO HEREBY FURTHER ORDER that the certified copy of this Order be issued expeditiously.

(_____, J)

Advocate for the Petitioner.

JUDGE'S ORDER FOR RETURN OF JEWELERY

IN THE HIGH COURT OF JUDICAUTE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

JUDGE'S ORDER NO. _____ OF _____

IN

TESTAMENTARY PETITION NO. _____ OF _____

..... ..Deceased

..... ..Petitioner

CORAM: _____, J.

DATE: _____, 2018

UPON READING the Affidavit of, the Petitioner abovenamed solemnly affirmed on in support of Judge's Order AND UPON HEARING, Advocate for the Petitioner abovenamed, I DO HEREBY ORDER that the Prothonotary and Senior Master is hereby directed to hand over to the Petitioner the (articles) kept in the safe custody and more particularly described in the **Annexure – 'A'** hereto as Letters of Administration has already been granted to the Petitioner on _____ in Testamentary Petition No. _____ of _____ by this Hon'ble Court and as the said (articles) are forming part of property of the Deceased as per said Letters of Administration.

(_____, J)

Advocate for the Petitioner.