



2026:BHC-OS:11055

Before : Shri E. B. Sivakumar,
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

Date: 29th April 2026

CALLED FOR DIRECTION:

5. TPAC (L)/) Ms. Pooja Shah i/by RJ Law, Advocate for the
8306/2026) Third Party Applicant
IN) Shri Uttam Rane, Advocate for the Original
TP/44/2017) Petitioner No. 2.

PC.

This Third Party Application has been filed by Kaikobad Aflatoon Khairabadi, Third Party Applicant, seeking certified copies of the records and proceedings of Testamentary Petition No. 44 of 2017, as per Rule 268 of the Bombay High Court Original Side Rules 1980.

2. Third Party Application has been served upon the Petitioner and the affidavit in reply has been filed on 27th April, 2026.

3. Perused the affidavit in support and affidavit in reply filed by respective parties. Ld. Advocate for the Applicant submits that, the Third Party Applicant is the real brother of the deceased and the brother died as bachelor. She further submits that, according to the Applicant the name of the Applicant has not been mentioned in the above Petition as one of the legal heirs / beneficiaries of the estate of the deceased. She further submits that, no citation has been served upon the Third Party Applicant. She, therefore, prays that, the certified copies of the records and proceedings and the grant issued by this Hon'ble Court be issued



and the said certified copies are required for the purpose of taking steps to revoke the grant.

4. Ld. Advocate for the Petitioner submits that, the Third Party Applicant is fully aware about the Petition and did not raise any objection to grant the letters of administration. He further submits that, the present application is filed only to pressurize the Petitioners and grabbed the estate of the deceased. He further submits that certified copy of the records and proceedings should not be issued to the Applicant as the Applicant failed to raise any objection at the time of issuing the grant, therefore, the Third Party Application be dismissed.

5. It appears from the submissions of the Ld. Advocates for the Parties there is no doubt that, the Third Party Applicant and the Petitioner are brothers of the deceased who died as bachelor. Ld. Advocate for the Petitioner also did not raise any objection to the statement contention of the Applicant as regard to the fact that the Applicant is brother of the deceased. Since the Applicant has shown the sufficient cause and he being the one of the legal heirs of the deceased the Third Party Application is allowed.

6. It is to be noted that Rule 268 of Bombay High Court Original Side Rules, 1980, indicates that if sufficient cause is shown, this Authority has discretion to grant certified copy of the records and proceedings of Testamentary Petition No. 44 of 2017 to the Third Party Applicant.

6. For the reasons stated in the affidavit in support the Third-Party Application is allowed. Office is directed to issue certified copies of records and proceedings of Testamentary Petition



No. 44 of 2017 to the third party applicants as per the application, on payment of necessary charges.

7. It is made clear that the third party applicant shall use the certified copy only for the purpose mentioned in the Third Party Application and in accordance with Rule 271 of Bombay High Court O.S. Rules, 1980, and not to part with the certified copy to any other third party. Third Party Application is disposed of.

29.04.2026

**Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master**

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