



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.93 OF 2023**

IN

CAVEAT NO.42 OF 2022

IN

TESTAMENTARY PETITION NO.300 OF 2022

Lalit Sagarmal Jain	...	Applicant/Petitioner
versus		
Malini Vinod Warik	...	Respondent/Caveator
Meghraj S. Khatanhar	...	Deceased

WITH

INTERIM APPLICATION NO.2272 OF 2024

IN

CAVEAT NO.43 OF 2022

IN

TESTAMENTARY PETITION NO.300 OF 2022

Lalit Sagarmal Jain	...	Applicant/Petitioner
versus		
Dr. Samsher Bhadur B. Singh s/o		
Baleshwar Saudagar Singh	...	Respondent/Caveator
Meghraj S. Khatanhar	...	Deceased

WITH

INTERIM APPLICATION (L) NO.21880 OF 2024

IN

CAVEAT (L) NO.9922 OF 2023

IN

TESTAMENTARY PETITION NO.300 OF 2022

Lalit Sagarmal Jain	...	Applicant/Petitioner
versus		
Jasbir Singh Sethi	...	Respondent/Caveator
Meghraj S. Khatanhar	...	Deceased

WITH

INTERIM APPLICATION NO.95 OF 2023

IN

**CAVEAT NO.41 OF 2022
IN
TESTAMENTARY PETITION NO.300 OF 2022**

Lalit Sagarmal Jain	...	Applicant/Petitioner
versus		
Seema Sandeep Rajput	...	Respondent/Caveator
Meghraj S. Khatanhar	...	Deceased

Mr. Sanjay Jain with Mr. Bhalchandra Saraf, Ms. Gauri Mestha, Mr. Jugal Haria i/by Trigoon Patwardhan, for Applicant/Petitioner.
Ms. Archana Khan (through VC) i/by Mr. Suraj S. Iyer, for Respondents/Caveators.

CORAM: N.J.JAMADAR, J.

DATE : 14 OCTOBER 2024

P.C.

1. These applications are preferred for rejection of Caveat Nos.42 of 2022, 43 of 2022, (L) No.9922 of 2023 and 41 of 2022 filed by the distinct Caveators opposing the grant of Probate of the last Will and Testament dated 31 July 2021 of Meghraj S. Khatanhar (deceased).

2. Short of superfluities, the facts necessary for the determination of these applications can be stated as under :

2.1 The deceased Meghraj passed away on 21 October 2021. The Petitioner has preferred Testament Petition for Probate in the capacity of the executor of the last Will and Testament dated 31 July 2021, purportedly left behind by the deceased. In the Petition, it is averred that the deceased left behind no Class I heir. Yashoda, wife of the deceased, predeceased him on

24 May 2021. The deceased left behind Pushpa P. Shah, his sister, as the only surviving Class II legal Heir. Pushpa has filed an affidavit giving her consent for the grant of Probate.

2.2 Malini S. Warak, Caveatorix in Caveat No.42 of 2022, Dr. Samsher Bahadur B. Singh, Caveator in Caveat No.43 of 2022, Jasbir Singh Sethi, Caveator in Caveat (L) No.9922 of 2023 and Seema S. Rajput, Caveatorix in Caveat No.41 of 2022 have filed respective Caveats opposing the grant of Probate. Caveators have filed affidavits in support of the caveats.

2.3 The Applicant/Petitioner, inter alia, asserts that none of the caveats is maintainable as none of the caveators has any caveatable interest. None of the caveators is either an heir or next of kin of the deceased or otherwise concerned with the deceased. At best, the claim of each of the caveators is in the nature of recovery of money allegedly paid to and/or invested with the deceased. Such bald and baseless contentions, for which there is no elementary foundation, cannot confer a caveatable interest. The caveators have filed the abovenumbered caveats with an object to delay and defeat the grant of Probate. It is an attempt to usurp the estate, which the deceased had bequeathed for a charitable cause.

2.4 Affidavits in reply have been filed on behalf of the Caveators.

3. I have heard Mr. Sanjay Jain, learned Counsel for the Applicant/Petitioner and Ms. Archana Khan, learned Counsel for the

Respondents/Caveators at some length.

4. Mr. Jain, submitted that the caveators are not even remotely related to the deceased, much less they are legal heirs and next of kin of the deceased. Taking the Court through the affidavits in support of the Caveats, Mr. Jain would urge that each of the caveators have spun a story which is nothing but a figment of imagination to assert some right in the estate left behind by the deceased. The assertions in the affidavits in support of the caveats are as vague and unsubstantiated as they could be. At best, the caveators can claim to be the creditors of the deceased. However, that by itself, does not constitute a caveatable interest.

5. Moreover, if the affidavits in support of the caveats are perused, it seems that the caveators are questioning the grant of Letters of Administration to the property and credits of Yashoda, wife of the deceased, to the deceased, and thereby the caveators are, in a sense, claiming an adverse interest in the estate of the deceased. Therefore, the caveats deserve to be dismissed.

6. Ms. Archana Khan, learned Counsel for the Caveators, stoutly submitted that each of the caveators has a definite caveatable interest. It was urged that the deceased had induced each of the caveators to part with their hard earned money by abusing the trust and confidence which each of the caveators has reposed in the deceased. Not only the deceased, but during

her life time, Yashoda also, had promised to return the amounts which the unsuspecting investors had paid to and/or invested with the deceased. Taking undue advantage of the fact that the deceased left behind no heir, the Petitioner has set up a false and fabricated Will and on the strength thereof, seeks to usurp the estate of the deceased by getting properties transferred in the name of the trust of which the Petitioner is the sole surviving trustee after the deceased.

7. At any rate, according to Ms. Khan, the question as to whether the defences set up by each of the caveators are worthy of acceptance can be determined at the trial only after the parties are given opportunity to adduce evidence. At this stage, the caveators cannot be non-suited without such liberty. Lest the caveators would suffer irretrievable prejudice.

8. To start with, it is necessary to note, who the parties are and what is their position in life. The deceased was an Advocate by profession. The Petitioner is also an Advocate. Each of the caveators invariably assert that the Petitioner was the associate of the deceased. The purported last Will and Testament (Exhibit B to the Petition) indicates that the deceased was then 79 years of age. Yashoda, his wife, died intestate on 24 May 2021. The deceased left behind a sister and her son as-next-of-kin. The deceased did not desire to bequeath anything to them. The deceased bequeathed all his properties referred to in the Schedule, valued in excess of Rs.4 Crores to a

charitable trust - 'Sita Shewa Yasho Trust'. The Petitioner came to be appointed as the executor of the said last Will and Testament.

9. At this stage, it may be apposite to note the contentions of each of the caveators in the affidavits in support of the Caveats.

9.1 Ms. Seema Rajput – Caveatorix in Caveat No.41 of 2023, asserts that in the year 20176, she became acquainted with the deceased as she and her husband had approached the deceased to resolve their marital discord. The deceased advised her husband to sell their property and invest the amount with the acquaintances of the deceased. An amount of Rs.13 Lakhs was paid to the deceased for the purpose of investment. When the amount was not returned, she approached Yashoda. The latter assured her that she had properties worth more than Rs.4 Crores and in the event of failure of the deceased to return the amount, Yashoda would sell the said properties and repay the amount. Yashoda passed away on 24 May 2021. The deceased also fell critically ill. After the demise of the deceased, the Petitioner has propounded a false and fabricated Will to usurp the properties of the deceased. Seema Rajput, Caveator, thus, claims that she has a lien over the properties of Yashoda, who during her lifetime had promised to stand as guarantor to refund the amount invested by her.

9.2 Affidavit in support of the caveat filed by Malini V. Warik, Caveator in Caveat No.42 of 2022, proceeds on, by and large, identical lines. For Malini,

the deceased had coerced her to invest the amount with Tanvir Ahmed Shaikh on the pretext that the latter would secure a flat to her. When the flat was not delivered as promised, she pursued the matter with the deceased and also late Yashoda. The latter had promised to make good the loss in the event of default on the part of the deceased. Ms. Malini Warik claims that she has an enforceable and executable lien, charge and claim on the estate of the deceased.

9.3 Dr. Samsher Singh, Caveator in Caveat No.43 of 2022, claims that he was a naturopathy consultant of the deceased and his wife Yashoda. He had treated them. They had promised to reward him. The deceased had also induced him to part with a sum of Rs.18 Lakhs by representing to him that a decent flat would be secured for him also. At the instance of the deceased, the said amount was paid to Tanvir Shaikh. Like in the case of Seema and Malini, according to Dr. Samsher Singh, Yashoda stepped in and assured to repay the amount. She had also promised to give Uma Sadan Flat premises to him.

9.4 Mr. Jasbir Singh Sethi, Caveator in Caveat (L) No.9922 of 2023 affirms that the deceased had also lured him to invest an amount of Rs.50 Lakhs on the pretext that he would secure a flat for him. The amounts were transferred to the account of Tanvir Shaikh and other associates of the deceased. Yashoda and the deceased had promised to repay the amounts. After the

demise of the deceased, the Petitioner has set up a false and fabricated Will. Beneficiary under the Trust is the Petitioner, who is not at all related to the deceased.

10. In the backdrop of these claims, the question as to whether the caveators have a caveatable interest deserves to be considered. From the perusal of the affidavits in support of the caveats, few common features emerge. First, each of the caveators became acquainted with the deceased on account of professional or other dealings. Second, each of the caveators was allegedly induced by the deceased to invest the amounts either promising lucrative returns thereon, or a flat at a concessional rate. Third, the caveators realized during the life time of Yashoda and deceased that, there was something amiss. Fourth, each of the caveators was promised refund of the amounts and/or additional property from the estate of Yashoda. Fifth, each of the caveators has an axe to grind against the Petitioner and assert that the Petitioner intends to usurp the property of the deceased.

11. Evidently, none of the caveators claims to be the heir and next-of-kin of the deceased, and, thus, otherwise entitled to succeed to the estate of the deceased in case of intestacy. At one end of the spectrum, the caveators claim to be either the victims of the fraudulent acts of the deceased or, in the least, the creditors of the deceased. At the other end of the spectrum, the caveators claim that Yashoda, wife of the deceased, had promised to give

property and/or make bequests out of her estate to each of the caveators.

The claim of being the creditors of the deceased is in itself contingent. The claim of being a beneficiary is gratuitous. Such being the case set up by each of the caveators, their resistance to the grant of Probate has to be decided through the prism of caveatable interest.

12. Mr. Sanjay Jain, learned Counsel for the Petitioner, would urge that, under no circumstance any of the caveators can be said to have a caveatable interest. On the contrary, they appear to be not more than busybodies and interlopers, who have propounded fantastic theories to bolster up the claim of a caveatable interest. Mr. Jain placed reliance on a recent order passed by this Court in **Surya Prakash S. Makharia V/s. Pramod Kumar Makharia**¹ wherein I had an occasion to deal with the aspect of caveatable interest. In the said case, I had extensively referred to the judgment of the Supreme Court in the case of **Krishna Kumar Birla V/s. Rajendra Singh Lodha and Ors.**² wherein the Supreme Court has expounded the concept of caveatable interest elaborately. The relevant observations in paragraphs 11 to 16 of the order in the case of Surya Prakash Makharia (supra), read as under :

“11. To start with, it may be necessary to appreciate as to what constitutes a caveatable interest. Chapter IV of the Indian Succession Act, contains a fasciculus of the provisions under the heading "of the Practice in Granting and Revoking Probates and

1 2024 SCC Online Bom 2063

2 (2008) 4 SCC 300

Letters of Administration". Section 283 of the Indian Succession Act, 1925, inter alia, provides that in all cases, the District Judge or District Delegate may, if he thinks proper - inter alia, issue citation calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration. This expression 'all persons claiming to have any interest' refers to a caveatable interest.

12. Section 284 of the Indian Succession Act, 1925 provides for filing of caveats against the grant of probate and administration with the District Judge or District Delegate. Once the caveat is lodged, the proceedings become contentious and the right to probate and letters of administration has to be decided in a testamentary suit.

13. A caveatable interest denotes the interest in the estate of the testator which may be affected by grant of Probate of the Will of the deceased. By its very nature, the existence or otherwise of a caveatable interest, would depend upon the facts of a given case. Whether the grant of Probate or Letters of Administration would prejudice the right of the caveator would be a barometer on which the existence of a caveatable interest can be tested. For that purpose, the law governing intestate succession qua the deceased also needs to be kept in view. If the caveator is likely to succeed in case of intestacy, the existence of caveatable interest can hardly be put in contest.

14. It is trite law that the Court exercising Testamentary jurisdiction cannot delve into the question of title to the subject property. Whether the deceased had the title to the subject property is a question that ought to be agitated before a Civil Court. The case of a person who claims an adverse title in himself to the estate of the testator, stands on an even weaker foundation. The proper remedy for the person asserting such interest adverse to that of the testator would be to institute a suit for declaration and adjudication of title to the estate.

15. A profitable reference, in this context, can be made to a

decision of the Supreme Court in the case of **Krishna Kumar Birla V/s. Rajendra Singh Lodha and Ors. (supra)**, wherein the Supreme Court after an elaborate analysis of the provisions and precedents, culled out the propositions as under :

“57. The jurisdiction of the Probate Court is limited being confined only to consider the genuineness of the Will. A question of title arising under the Act cannot be gone into the proceedings. Construction of a Will relating to the right, title and interest of any other person is beyond the domain of the Probate Court.

58. A person to whom a citation is to be issued or a caveator, must have some interest in the estate of the testator. Any person claiming any interest adverse to the testator or his estate cannot maintain any application before the Probate Court. His remedy would be elsewhere. The question with regard to the degree of interest or the right which a caveator must show to establish his or her caveatable interest before the Probate Court should be considered having regard to the aforementioned legal propositions.

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*67. In the recent judgment of **Kanwarjit Singh Dhillon V/s. Hardayal Singh Dhillon and Ors.**³, this court inter alia relying upon Chiranjilal Shrilal Goenka V/s. Jasjit Singh and Ors.⁴ and upon referring to a catena of decisions of the High Court and this Court, held that Probate court does not decide any question of title or of the existence of the property itself.*

.....

73. Strong reliance has been placed by Mr. Jethmalani on Nobeen Chander Sil and Ors. V/s. Bhobosoondari Debee⁵. Therein, Field, J. interpreting Section 242 of the 1925 Act opined that if any person can show that he was entitled to maintain

3 (2007) 11 SCC 357

4 (1993) 2 SCC 507

5 ILR 6 Cal 460

a suit in respect of property over which probate would have effect, he possesses a sufficient interest to enter a caveat and oppose the grant of probate.

74. Such a suit, however, in our opinion must have a direct nexus with the estate of the testator and not to enforce a right in respect of the application of the estate of the testator under another will. Right to maintain a suit must be independent of the wills sought to be probated. No legal right accrues under an unprobated Will except in case where taking of probate is not mandatory. In Nobeen Chander Sil (supra) the appellants therein had a direct interest in disputing the Will. He had obtained a money decree against the testator. His share was under attachment. In the aforementioned factual backdrop, it was held :

"..... What is the meaning of the expression "persons claiming to have any interest ?" It appears to me that the persons claiming to have any interest must be persons having such an interest as would entitle them to maintain a suit in respect of the subject matter of such estate - persons having, for example, such an interest as, according to the practice of the Court of Chancery, would entitle them to file a bill in a Court of Equity."

It contains two competing passages. One rendered by White, J. and another by Field, J. White, J. stated: (ILR p.461)

"It is not necessary to consider whether the case cited by the District Judge is good law, for it does not determine the question with which we have to deal. In that case the parties opposing the probate were simple creditors of a person who was the heir of the deceased, supposing the testator had died without a will, and supposing also that he had not adopted a son. In the present case the appellants have a claim upon the immoveable property left by the testator - two of them as mortgagees of the persons who, if the testator left no will, are entitled to create the mortgage, and one of the appellants as the attaching creditor of one of these persons."

Field, J., however, expanded the ambit of 'caveatable interest'.

75. A suit which would be maintainable must have something to do with the estate of the testator. Inheritance by Will itself may be a subject matter of contention. Whether the interest claimed by the caveator is an established one or a bare claim must satisfy the test that there exists an interest in the estate of the testator and the same is not adverse thereto.

.....

84. Section 283 of the 1925 Act confers a discretion upon the court to invite some persons to watch the proceedings. Who are they? They must have an interest in the estate of the deceased. Those who pray for joining the proceeding cannot do so despite saying that they had no interest in the estate of the deceased. They must be persons who have an interest in the estate left by the deceased. An interest may be a wide one but such an interest must not be one which would not (sic) have the effect of destroying the estate of the testator itself. Filing of a suit is contemplated inter alia in a case where a question relating to the succession of an estate arises.

85. We may, by way of example notice that a testator might have entered into an agreement of sale entitling the vendee to file a suit for specific performance of contract. On the basis thereof, however, a caveatable interest is not created, as such an agreement would be binding both on the executor, if the probate is granted, and on the heirs and legal representatives of the deceased, if the same is refused.

86. The propositions of law which in our considered view may be applied in a case of this nature are :

(i) To sustain a caveat, a caveatable interest must be shown.

(ii) The test required to be applied is: does the claim of grant of probate prejudice his right because it defeats some

other line of succession in terms whereof the caveator asserted his right.

(iii) It is a fundamental nature of a probate proceeding that whatever would be the interest of the testator, the same must be accepted and the rules laid down therein must be followed. The logical corollary whereof would be that any person questioning the existence of title in respect of the estate or capacity of the testator to dispose of the property by Will on ground outside the law of succession would be a stranger to the probate proceeding inasmuch as none of such rights can effectively be adjudicated therein.

.....

89. While determining the said question, the law governing the intestate succession must also be kept in mind. The right of the reversioner or even the doctrine of "spes successionis" will have no application for determining the issue in a case of this nature.

.....

103. What would be caveatable interest would, thus, depend upon the fact situation obtaining in each case. No hard and fast rule, as such, can be laid down. We have merely made attempts to lay down certain broad legal principles.

.....

135. It is too far fetched a submission that a person having a remote family connection or as an agnate is entitled to file a caveat. A reversioner or an agnate or a family member can maintain a caveat only when there is a possibility of his inheritance of the property in the event the probate of the Will is not granted. If there are heirs intestate who are alive, entertaining of a caveat on the part of another family member or a reversioner or an agnate or cognate would never arise." (emphasis supplied)

16. A conjoint reading of the propositions culled out in clauses (ii)

and (iii) of paragraph 86 spells out the test which is to be applied to ascertain the existence of a caveatable interest, namely, "the Caveator ought to be in a position to show that if the grant of Probate or Letters of Administration is made it will defeat his claim of succession or inheritance to the estate of the deceased for the reason that it defeats some other line of succession. If the Caveator is likely to inherit a very small part of the estate of the deceased in the event the Probate or Letters of Administration, as the case may be, is not granted, it can be said that the Caveator has a caveatable interest. Conversely, if the Caveator questions the existence of title in respect of the estate or capacity of the testator to dispose of the property by Will on a ground outside the law of succession, ordinarily, he can be termed as a stranger to the Probate proceeding. If the Caveator opposes the grant of Probate or Letters of Administration by setting up an adverse title in himself or by disputing the very existence of the estate, professed to be disposed by the deceased, the Caveator cannot be said to have a caveatable interest as that would be a matter of adjudication of title; clearly beyond the remit of the jurisdiction of the Testamentary Court."

13. In the context of the facts of the case, where the caveators do not claim interest in the estate left behind by the deceased on the strength of their right to succeed to the estate of the deceased, it may be necessary to extract the observations of the Supreme Court in paragraphs 109 to 111 of the judgment in the case of **Krishna Kumar Birla (supra)**, wherein the Supreme Court, inter alia, considered the question whether busybody or an interloper, having no legitimate concern in the outcome of the probate proceedings, would be entitled to lodge a caveat and oppose the probate? Answering the question

in a firm negative, the Supreme Court, *inter alia*, observed as under :

“109. It is in that backdrop the question which is required to be posed is: Did the Calcutta High Court or the other High Court opine that even a busy body or an interloper having no legitimate concern in the outcome of the probate proceedings would be entitled to lodge a caveat and oppose the probate? The answer thereto, in our opinion, must be rendered in the negative. If anybody and everybody including a busy body or an interloper is found to be entitled to enter a caveat and oppose, grant of a probate, then Sections 283(1)(c) and 284 of the 1925 Act would have been differently worded. Such an interpretation would lead to an anomalous situation. It is, therefore, not possible for us to accede to the submission of the learned counsel that caveatable interest should be construed very widely.

110. A caveatable interest is not synonymous with the word ‘contention’. A ‘contention’ can be raised only by a person who has a caveatable interest. The dictionary meaning of ‘contention’, therefore, in the aforementioned context cannot have any application in a proceeding under the 1925 Act.

111. While interpreting the provisions of a statute, we must also bear in mind the admitted legal position that a probate proceeding should not be permitted to be converted into a title suit. It should not be permitted to become an unchartered field to be trespassed into by persons even if he is not affected by testamentary disposition.”

14. The submission on behalf of the caveators that, in the capacity of the

creditors, they have a caveatable interest, also does not merit acceptance. A profitable reference in this context can be made to a Division Bench judgment of this Court in the case of **Purushottam Vishandas Raheja V/s. Asha Shrichand Raheja**⁶ wherein the brother of the testator had claimed caveatable interest in the capacity of the creditor. Negating the contention, after following the decision in the case of **Krishna Kumar Birla (supra)**, the Division Bench enunciated the law as under :

“17. In the case of Krishna Kumar Birla, the Apex Court has considered the decision of the Privy Council in the case of Sarla Dassya. We must note here that the Privy Council was dealing with the issue of locus standi to apply for revocation of Probate on the ground that the grant was obtained fraudulently. It in this context that the Privy Council held that a creditor of the deceased has a locus to apply for revocation of the Probate proceeding.

18. Coming back to the decision in the case of Krishna Kumar Biral, in paragraphs 94 and 95 the Apex Court held thus:

“94. A Will is executed when the owner of a property forms an opinion that his/ her estate should not devolve upon the existing heirs according to the law governing intestate succession. When, thus, a person who would have otherwise succeeded to the estate of the testator, would ordinarily have a caveatable interest, any other person must ordinarily show a special interest in the estate.

95. Such a special interest may be a creditor of the deceased as was the case in Sarala Sundari Dassya v. Dinabandhu Roy Brajaraf Saha (Firm) [AIR 1944 PC 11]. But, in our opinion, the same would not mean that even if the estate of the deceased is being represented by the legal heirs, caveat can

6 Appeal No.598 of 2011 in NMS 22 of 2011 in Petition No.1172 of 2010 dated 26 July 2016

be entertained at the instance of a person who has no real interest therein or in other words would merely have a contingent interest."

(emphasis added)

19. In the present case, strictly speaking, the contention raised in the affidavit-in-sur-rejoinder to the Notice of Motion cannot be termed as a pleading of the Appellant in support of the caveat. There is a vague plea in the affidavit-in-sur-rejoinder of the Notice of Motion that the Appellant is claiming to be a creditor. As stated earlier, the plea that the Appellant is a creditor of the deceased cannot be considered to decide whether he has a caveatable interest. Even assuming that the said plea can be taken into consideration, we are of the view that the Appellant does not have a caveatable interest. Learned Senior Counsel for the Appellant pointed out that a suit for recovery filed by the Appellant is pending. Thus, the claim of the Appellant is a contingent claim which depends on the outcome of the suit. Therefore, in the light of what is observed in paragraph 94 of the decision in the case of Krishna Kumar Birla, the Appellant will have to show a special interest. However, what is held in paragraph 95 completely defeats the case of the Appellant. In the present case, the estate of the deceased is being represented by the legal heirs and the interest claimed by the Appellant is a contingent interest. As stated earlier, the Apex Court has reiterated the well settled law that the issue of title cannot be gone into in the Probate petition." (emphasis supplied)

15. On the aforesaid touchstone, reverting to the facts of the case, in my view, none of the caveators has a semblance of caveatable interest. Incontrovertibly, none of the caveators is the heir and next-of-kin of the deceased. In no case, any of the caveator is entitled to succeed to the estate of the deceased. The grant of probate is not likely to defeat the claim of

succession or inheritance of any of the caveators. Conversely, each of the caveator claims to be a creditor of the deceased by asserting a theory which, prima facie, appears make believe. At any rate, the claim of each of the caveator is contingent and, even if asserted, deserves adjudication in an appropriate proceedings. From this standpoint, the claims also assume the character of adverse interest and, therefore, do not constitute a caveatable interest.

16. Resultantly, the applications deserve to be allowed and each of the caveat is liable to be dismissed. Having regard to the nature of the caveatable interest propounded by each of the caveator, it is necessary to impose costs.

17. Hence, the following order :

ORDER

- (i) The applications stand allowed.
- (ii) Caveat Nos.42 of 2022, 43 of 2022, (L) No.9922 of 2023 and 41 of 2022 stand dismissed with costs of Rs.25,000/- to be paid by each of the caveators to the Petitioner, within a period of four weeks.

(N.J.JAMADAR, J.)