

Sharayu

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS No. 176 OF 2014
SUIT NO. 843 OF 2003

Dr. Devika Damji Shah	...Plaintiff
In the matter Between	
Dr. Devika Damji Shah	...Plaintiff
<i>Versus</i>	
Rashmi Mukesh Shah & Ors.	...Defendants

Ms. Priyanka Kothari, *a/w Paresh More i/b M/s. Bilawala & Co., for the Plaintiff.*
Mr. Vipul Shukla, *for the Defendant No. 1*
Ms. Mili Thakkar, *i/b Rajan Thakkar for Defendants No. 2.*

CORAM: G.S. PATEL, J
DATED: 10th February 2015

PC:-

1. The Chamber Summons is for amendment to the Plaint in this Suit for administration. In my view, the Chamber Summons is thoroughly misconceived. It appears that by an Order dated 16th January 2007, a foreign court, viz., the Court of Cassation in Dubai, has dealt with the Will dated 19th February 2002, held it to be followed and subsisting, and appointed the 1st Defendant to administer the estate of the deceased.

2. It is this very estate of which administration is sought in the present Suit. On the strength of the foreign decree or judgment, Letters of Administration have been obtained by the 1st Defendant in this Court. The present Plaintiff has already sought revocation of the Letters of Administration, impeaching the Order of 16th January 2007. If that be so, and this is an admitted position, the present Chamber Summons, which seeks to all intents and purposes to incorporate the revocation Petition in this administration suit, is clearly not maintainable. The reliefs sought in the Chamber Summons are incapable of being granted. They are exactly the reliefs that are subject matter of the revocation Petition. The Chamber Summons is dismissed. There will be no order as to costs.

3. List the matter tomorrow i.e. 11th February 2015 for directions.

(G. S. PATEL, J.)