

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 37 of 2015
IN
TESTAMENTARY SUIT NO. 60 OF 2015
IN
TESTAMENTARY PETITION NO. 221 OF 2011**

Miss Samrin D/o Mohammed Iqbal Ansari	...Applicant
<i>In the matter between</i>	
Mr. Vilas Krishnarao Basutkar	...Plaintiff
<i>Ans</i>	
Dr. Prakash Krishnarao Basutkar & Anr.	...Defendants

Mr. C.S. Shidore, i/b M/s. Vijaykumar & Co., for the Applicant.
Mr. Sanjay Prabhala, i/b D.C. Pathak, for the Plaintiff.

CORAM: G.S. PATEL, J
DATED: 15th June 2015

PC:-

1. This Chamber Summons is for impleadment of the Applicant as a Defendant. The Applicant is a transferee of certain immovable property from one of the heirs of the Testator. The Petition is for Letters of Administration with Will annexed.

2. In order to establish or defend her title to that immovable property, the Applicant seeks to be impleaded as a Defendant to the Testamentary Suit. In other words, by virtue of being the purchaser from an heir of the Testator, she seeks to challenge or dispute the due execution of the Will. Admittedly, the Applicant is not an heir or a legatee of the Testator. She has no caveatable interest in the Defendant's estate.

3. It is too well settled to warrant repetition that Probate proceedings do not decide questions of title. By way of abundant caution, it is clarified that even if Probate is granted, it will not divest the Applicant of any title that she may have otherwise validly obtained. Equally, the fact that the Applicant has not been permitted to contest the present Testamentary Suit will also not mean that she has given up her claim to title to that property. All questions of title can and will be decided only in substantive civil proceedings in courts of competent jurisdiction. All rights and contentions of the Applicant in that behalf are expressly kept open and will remain unaffected by the result of the present Testamentary Suit.

4. In view of this, the Chamber Summons is dismissed with no order as to costs.

(G. S. PATEL, J.)