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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 49 OF 2015
IN
TESTAMENTARY SUIT NO. 1107 OF 2010**

Dr. (Mrs.) Ashalata Arunbhai Patel Alias Ashalata V. Patel & Anr.	...Applicants
<i>In the matter of</i>	
Dr. Arunbhai Jashbhai Patel	...Petitioner
<i>And</i>	
Jayram M. Patel	...Deceased

Mr. B.G. Saraf, *with Benny Joseph, i/b M/s. Benny Joseph Law
Offices, for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 8th June 2015

PC:-

1. The Applicants are the executors of a Will dated 15th December 2007 of one Jayram M. Patel, who died in Mumbai on 10th July 2008. The Applicants are also beneficiaries under that Will. Both Applicants reside abroad in the USA. They initially filed this Petition as one for Letters for Administration through their Constituted Attorney one Rachana Amin alias Rachana Ratan Dastoor. The Applicants now seek to withdraw that Power of

Attorney in favour of Ms. Amin and to continue the proceeding in their own names.

2. There is also a prayer made for allowing a conversion of this petition for Letters of Administration with Will annexed into a Probate Petition. That may not be necessary as the Petitioners are both executors and beneficiaries under the same testamentary writing. Having said that the Applicants are undoubtedly entitled to carry on this Petition in their own names rather through a Constituted Attorney.

3. In view thereof, the Chamber Summons is made absolute in terms of prayer clauses (b) and (c).

4. Liberty to the Applicants/Petitioners to apply for conversion of the Petition at later stage should that become necessary for any reason.

(G. S. PATEL, J.)