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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 83 OF 2015
IN
TESTAMENTARY SUIT NO. 18 OF 2013
IN
TESTAMENTARY PETITION NO. 1164 OF 2012**

Dilip Dadbhawala & Anr.	...Plaintiffs
<i>Versus</i>	
Neeta Vijay Navalkar & Ors.	...Defendants
<i>And</i>	
Jayendra Jayantilal Doshi & Ors.	...Respondents

**Mr. Amol Kharat, i/b M/s. Pillai & Co., for the Applicants/Plaintiffs.
Mr. Pradip Samant, i/b M/s. Bhawe & Co., for Defendant No. 1.**

**CORAM: G.S. PATEL, J
DATED: 14th August 2015**

PC:-

1. The Chamber Summons is misconceived. The Petition is for probate. The Respondents to the Chamber Summons are among the heirs of the deceased along with the present Defendants. Citations have been served on all. Only the Defendants have entered Caveats. The Respondents have not. Yet, the Plaintiff/Probate Petitioner wants to make the Respondents, none

of whom have entered a Caveat, party defendants to a contested testamentary action in which the only issue being tried is due execution of the Will in its solemn form. This cannot be done.

2. Learned Advocate for the Plaintiffs states that it is one of the Respondents who is intermeddling with the estate of the deceased and has taken charge of it. If indeed that be so, the Plaintiffs' remedy lie elsewhere in other, more appropriately, framed proceedings. The present Chamber Summons cannot be allowed. It is dismissed with no order as to costs.

(G. S. PATEL, J.)