

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 77 OF 2015
IN
TESTAMENTARY PETITION NO. 1150 OF 2014**

Mukesh Poonamchand Parmar	...Applicant
<i>In the matter between</i>	
Mukesh Poonamchand Parmar	...Petitioner
<i>Versus</i>	
Hrishikesh Arvind Mafatlal	...Respondent

Mr. Rupesh Shinde, *i/b Kezer Kharamwala for the Petitioner.*
Mr. Farhan Dubash, *a/w Mr. Postwala i/b M/s. Vigil Juris, for the*
Respondent.

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

PC:-

1. Heard.
2. The Notice of Motion is completely misconceived. The Applicant is the Petitioner. He has sought probate of a Will dated 18th January 2013 of one Devi Ramakat Ghaswala, who died in Mumbai on 16th June 2013. In the Notice of Motion, the Petitioner

prays for dismissal of Testamentary Petition No. 1609 of 2013. That Testamentary Petition has been filed by the Respondent propounding a previous Will dated 14th September 2009 of the same deceased.

3. In addition, one Satishkumar Paras has filed Testamentary Petition No. 1214 of 2013 propounding yet another Will of the deceased, this one allegedly dated 2nd March 2011.

4. Clearly, each of these Petitions will need to be tried in turn, the one propounding the latest Will being tried first and so on. There is no question of dismissal of the Respondent's Testamentary Petition No. 1609 of 2013. If the present Petition filed by the Applicant/Petitioner fails, then Satishkumar's Petition will be taken up, and if that Petition too fails, the Respondent's Testamentary Petition No. 1609 of 2013 will be taken up. The mere fact that the present Petitioner has filed a Petition propounding a later Will is no ground for dismissal of the Respondent's Testamentary Petition.

5. There is no substance to the Notice of Motion. It is dismissed, with no order as to costs.

(G. S. PATEL, J.)