

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 79 OF 2015
IN
TESTAMENTARY PETITION NO. 799 OF 2011**

Kishorbhai Prataprai Badani	...Applicant
<i>In the matter between</i>	
Kishorbhai Prataprai Badani	...Plaintiff
<i>Versus</i>	
Prataprai Chatrabhuj Badani (Deceased) and Viren Prataprai Badani	...Caveator

Ms. Tanmayee Salekar, *a/w Ms. Meghna Mehta, i/b M/s. Shah & Sanghavi, for the Applicant/Plaintiff.*
Mr. Pravin Patel, *i/b Mrs. Neta Sampat, for the Caveator.*

CORAM: G.S. PATEL, J
DATED: 17th August 2015

PC:-

1. Heard. This is the Plaintiff's application for discharge of the Caveat. Ms. Salekar, learned Advocate for the Plaintiff, submits that there is no specific ground set out in the Affidavit in Support of the Caveat to dispute the Will of which probate is sought.

2. This is not entirely accurate. In paragraph 2, the Caveator/Defendant has clearly stated that the deceased Prataprai Chatrabhuj Badani “died intestate”. That is sufficient. In any case, in the Affidavit in Reply to the present Chamber Summons, the Defendant has clearly disputed the Will *inter alia* in paragraphs 5, 11 and 12.
3. There is no merit to the Chamber Summons. It is dismissed. There will be no order as to costs.
4. By consent, the Suit is taken up for framing issues and a separate order is passed in that behalf.

(G. S. PATEL, J.)