

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 92 OF 2015
IN
TESTAMENTARY SUIT NO. 151 OF 2014
IN
TESTAMENTARY PETITION NO. 525 OF 2012**

Tushar N. Parikh	...Applicant
<i>In the matter between</i>	
Hemal Viral Shah Alias Hemal Shishir Parikh	...Plaintiff
<i>Versus</i>	
Priya Tushar Parikh	...Defendant

**Ms. N. Mukharjee, i/b M/s. N. N. Vaishnawa & Co., for the
Plaintiff.
Mr. N. Amin, for the Applicants.
Mr. B. G. Saraf, for the Defendant.**

**CORAM: G.S. PATEL, J
DATED: 21st September 2015**

PC:-

1. This Chamber Summons is thoroughly misconceived. The Applicant is neither the Petitioner nor a Caveator but is one of the beneficiaries under the Will. He seeks that the Petitioner be directed to delete a property from the schedule to this probate

Petition. This is on the footing that the Testator had apparently disposed of his interest in that property, namely, Garage No. 9, Sudha Society, 20, Lady Jagmohandas Marg, Mumbai – 400 036 to the Applicant.

2. It is not in dispute that under the Will of which probate is sought there is a bequest disposing of this very property. It has, therefore, been correctly included in the schedule to the Petition. It is far too settled to merit repetition that probate proceedings do not decide title. Learned Advocate for the Applicant readily accepts this position. It is clarified that the grant of probate, should that be finally ordered, will neither confer nor take away any title. This is sufficient protection.

3. The Chamber Summons is disposed of with these observations. No order as to costs.

(G. S. PATEL, J.)

CERTIFICATE

“Certified to be a true and correct copy of the original signed Judgment/Order.”