

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 14 OF 2015**

Hemandra Ratilal Mehta	...Petitioner
<i>Versus</i>	
Sudhakar Vishwanath Bhosale & Anr.	...Respondents

Mr. Ravi Punjabi, *i/b Nitesh Bhutekar, for the Petitioner.*
Mr. Bhupesh Dhumatkar, *i/b M/s. Jhangiani Narula & Associates,*
for Respondent No. 1.

CORAM: G.S. PATEL, J
DATED: 9th February 2015

PC:-

1. *Ex facie* the Miscellaneous Petition for revocation is not maintainable. The Petitioner has no caveatable interest in any part of the estate of the deceased Shantabai Ramkrishna Sonanwane.
2. The deceased passed away on 18th November 1995. Letters of Administration were obtained by the Respondents in Petition No. 370 of 2006 on 13th February 2008.
3. The present revocation Petitioner claims that he, as the proprietor of a construction firm, obtained a conveyance from the

deceased Shantabai in respect of Survey No. 127, CTS No. 42, 42/1 to 42/81 at village Kandivli (West), Taluka Borivli, District Mumbai, admeasuring 4114 sq. yards. It is settled law that testamentary proceedings do not decide or determine question of title. Whether or not Shantabai had title to this property is not decided by the Letters of Administration. Whether or not her heirs can lay claim to title to any part of this property is also not decided by the Letters of Administration. The Petitioner is always at liberty to file a substantive suit on title and to obtain suitable interim reliefs in that action against the Respondents if the Respondents are claiming any title that the Petitioner is able to show they do not possess.

4. With these observations, the Miscellaneous Petition is disposed of as not maintainable. There will be no order as to costs.

(G. S. PATEL, J.)