

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 26 OF 2015
IN
TESTAMENTARY PETITION NO. 1289 OF 2012**

Mr. Mahesh Jethalal Rathod	...Petitioner
<i>Versus</i>	
Girish Jethalal Rathod & Anr.	...Respondents

Mr. Bidan Chandran, with Ms. Rajashree Nair, for the Petitioner.
Mr. Ashish Dubey, for the Respondents.

CORAM: G.S. PATEL, J
DATED: 23rd March 2016

PC:-

1. The Respondent is agreeable to the relief in this Petition that the Letters for Administration with Will annexed granted on 24th December 2013 be revoked. Accordingly, the Petition is made absolute in terms of prayer clauses (a) and (b), which read as follows:

“(a) The this Hon'ble Court be pleased to revoke the Letters of Administration dated 24th December 2013 granted to Respondent No. 1 in respect of the estate of late Smt. Danibai J. Rathod in Testamentary Petition No. 1289 of 2012.

(b) That this Hon'ble Court be pleased to restrain the respondent his servants, agents or any person or persons claiming through under or by him permanently by an order of injunction of this Hon'ble Court in any manner dealing with and/or using the letters of Administration dated 24th December 2013 which has been granted under the Testamentary Petition No. 1289 of 2012 in respect of suit property room No. D-1/4 in Navjagruti Co-operative Housing Society Ltd., Subhash Nagar, Teen Dongri, Goregaon (West), Mumbai 400 090, Regn No. BOM/WP/HSG/TO/3924/1988-89 and also holding five shares bearing no. 31 to 35 under certificate No. 31"

2. The Letters of Administration with Will annexed issued on 24th December 2013 are revoked, cancelled and annulled. Testamentary Petition No. 1289 of 2012 is restored to file.
3. The present revocation Petitioner, viz., Mahesh Jethalal Rathod shall on or before 13th April 2016 file and serve his Caveat and Affidavit in Support to the Testamentary Petition No. 1289 of 2012.
4. On behalf of the revocation Petitioner, a statement is made that he and his Advocate have a complete copy of Testamentary Petition No. 1289 of 2012. However, they shall be entitled to obtain

ordinary copies of such documents as they need from the record of this matter on payment of costs, charges and expenses, if necessary, from the Registry. There will be no extension of time to file the Caveat and Affidavit in Support.

5. The Miscellaneous Petition is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)