

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 41 OF 2016
IN
TESTAMENTARY PETITION NO. 845 OF 2015**

Vishal Bharat	...Applicant
<i>In the matter between</i>	
Leena Bharat Parmar Nee Leena Shantilal Parmar	...Deceased
<i>And</i>	
Indumati Shantilal Parmar	...Petitioner

Mr. K.R. Bulchandani, *with Mr. Amit D. Nikam, i/b Kamal & Co.,
for the Applicant.*

CORAM: G.S. PATEL, J
DATED: 6th April 2016

PC:-

1. The Petition was originally filed by the mother of the deceased. The office took an objection to the maintainability of the Petition (for a Succession Certificate) since the deceased's husband and son were alive and were Class I heirs.

2. Mr. Bulchandani attempted valiantly on 5th December 2015 to meet this objection. Alas, his Herculean labours came to naught. The Petition was held not to be maintainable.

3. Rather than carrying the matter in Appeal, Mr. Bulchandani has done the right thing. He has filed this Chamber Summons seeking to substitute the deceased's son as the Petitioner, and it he who will now apply for a Succession Certificate as a Class I heir.

4. The Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out on or before 22nd April 2016.

5. Registry is requested to now proceed with the matter. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)