

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 95 OF 2016**

IN

CAVEAT (L) NO. 404 OF 2015

IN

TESTAMENTARY PETITION NO. 186 OF 2015

Ms. Bindia Kripalani	...Applicant
<i>In the matter between</i>	
Ms. Bindia Kripalani & Anr.	...Petitioners
<i>Versus</i>	
Naresh Nathulal Pal	...Caveator

WITH

NOTICE OF MOTION NO. 97 OF 2016

IN

CAVEAT (L) NO. 15 OF 2016

IN

TESTAMENTARY PETITION NO. 186 OF 2015

Ms. Bindia Kripalani	...Applicant
<i>In the matter between</i>	
Ms. Bindia Kripalani & Anr.	...Petitioners
<i>Versus</i>	
Mr. Hemraj Bhakiya	...Caveator

WITH

NOTICE OF MOTION NO. 98 OF 2016

IN

CAVEAT NO. 13 OF 2016
IN
TESTAMENTARY PETITION NO. 186 OF 2015

Ms. Bindia Kripalani	...Applicant
<i>In the matter between</i>	
Ms. Bindia Kripalani & Anr.	...Petitioners
<i>Versus</i>	
Mrs. Pushpa Hemraj Bhakiya	...Caveator

Ms. Pooja Patil-Khandeparkar, *a/w Sneha Patil, i/b M/s. K. K. Associates, for the Applicant.*
Mr. Vishal Kanade, *i/b Ranjit & Co. for the Caveator in each matter.*

CORAM: G.S. PATEL, J
DATED: 7th June 2016

PC:-

1. These are the Petitioner's Motions for dismissal of the Caveat on the ground that the Caveators have no caveatable interest. The Caveators are not relatives or heirs of the deceased, but are the deceased's servants or employees. Mr. Kanade for the Caveators does not dispute that there is no kinship. He only says that the Caveators are legatees under some previous Will. However, admittedly, the Caveators have made no steps to obtain Letters of Administration or probate in respect of that alleged previous Will. Even if the present Petition for Letters of Administration with Will annexed fails, the Caveators cannot possibly succeed to any part of the estate.

2. All the three Motions are made absolute. As the Caveats stand discharged, the Petition shall proceed as an uncontested Petition.

3. I must note that there was no question of allowing time for filing an Affidavit in Reply. In my view, no Reply was necessary. If the Caveators desire to file Petitions for proof of the Will under which they claim, they can do so. That does not itself give them a caveatable interest in the estate of the deceased.

4. Mr. Kanade seeks stay of operation of this order. Ms. Patil opposes. Stay is refused.

(G. S. PATEL, J.)