

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO.607 OF 2015
WITH
NOTICE OF MOTION (L) NO.73 OF 2015
IN
TESTAMENTARY PETITION NO.307 OF 2011**

Jehangir Ardeshir Rabadi ...Petitioner
Versus
Percis Dorab Satha ... Respondent

**ALONG WITH
MISCELLANEOUS PETITION NO.137 OF 2015
WITH
NOTICE OF MOTION NO.131 OF 2015
IN
TESTAMENTARY PETITION NO.1768 OF 2013**

Percis Dorab Satha ...Petitioner
Versus
Jehangir Ardeshir Rabadi ... Respondent

Mr. B.G. Saraf, *for the Petitioner in MPTL/607/2015 & for the Respondent in MPT/137/2015..*
Mr. C.G. Gavnekar, *i/b Mr. G.S. Hiranandani for Respondent in MPTL/607/2015 & for the Petitioner in MPT/137/2015.*

CORAM: G.S. PATEL, J
DATED: 18th July 2016

PC:-

1. By consent, the Suit is taken up for hearing and final disposal.
2. After hearing both the sides, it seems to me that it is not possible for the rival parties to each have a grant of Letters of Administration in respect of the same estate. Both sides have taken out Miscellaneous Petition for revocation of the other side's grant and Notice of Motion for stay of that grant. The best course would be to hear both the Petitions themselves finally. Common evidence can be taken in both Petitions, viz., Testamentary Petition No.307 of 2011 and Testamentary Petition No.1768 of 2013. As a result, Miscellaneous Petition No. 607 of 2013 and Miscellaneous Petition No.137 of 2015 are both made absolute.
3. The respective grants are revoked. The Notices of Motion are disposed of as infructuous.
4. List Testamentary Petition No.307 of 2011 and Testamentary Petition No.1768 of 2013 together for framing issues on 2nd August 2016.

(G. S. PATEL, J.)