

ATUL

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 140 OF 2015
IN
TESTAMENTARY SUIT NO. 93 OF 2011
IN
TESTAMENTARY PETITION NO. 668 OF 2011**

Nisha Prakash Chawla & Another	...Plaintiffs
<i>Versus</i>	
Dilip Vashu Chawla	...Defendant

Mr. Vivek Sharma, for the Plaintiffs.
Mr. Herbert A. Noronna, for the Defendant.

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

PC:-

1. The Notice of Motion seeks dismissal of the Caveat on a simple ground that the Caveator Dilip Vashu Chawla is the son of Vashu Hariram Chawla who is the son of the deceased. In other words, the deceased's grandson has purported to file a Caveat while his father, the son of the deceased, is very much alive. Mr. Sharma for the Plaintiffs is correct in saying that the Caveator has absolutely no caveatable interest in the estate and it is wholly irrelevant

whether or not the Caveator was a legatee under some previous testamentary writing.

2. The Notice of Motion succeeds. It is made absolute in terms of prayer clause (a). The Caveat filed by Mr. Dilip Vashu Chawla is discharged. Petition to proceed as an uncontested Petition for grant of probate.

(G. S. PATEL, J.)