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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 171 OF 2015
IN
TESTAMENTARY PETITION NO. 194 OF 2014**

Mr. Shaikh Abdul Azim Abdul Khalique & Anr.	...Petitioners
<i>Versus</i>	
Mr. Sarfaraz Abdul Malik	...Respondent

Mr. Kedar Dighe, *i/b Suman Jain, for the Petitioners.*

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

PC:-

1. The Petitioners claim that they acquired title to a residential Flat No. 601, Al-Namirah Cooperative Housing Society Limited, Building No. A-20, Millat Nagar, New Link Road, Andheri (West), Mumbai – 400 053 under a Deed of Gift dated 20th July 2010 allegedly executed by the deceased Shaikh Abdul Azim Abdul Khalique in their favour. The Respondent, the deceased's son, obtained Letters of Administration in Testamentary Petition No. 194 of 2014. This flat seems to have been included in the List of Assets of the deceased in that Petition.

2. The revocation Petitioners do not claim to be the heirs of the deceased. Their only concern is that their title to the flat under Gift Deed should not be in any way compromised or adversely affected by the grant of Letters of Administration.

3. The apprehension is unfounded. It is settled that the grant of Letters of Administration or representation to the estate does not decide questions of title. If the deceased divested the title in his lifetime and did so in favour of the present revocation Petitioners, that will remain unaffected by the grant of Letters of Administration. It will be for anybody who contests that title or for the present Petitioners if they are so advised to adopt suitable civil proceedings in relation to the title to that flat. This is not a matter that can be the subject of the revocation Petition.

4. The revocation Petition is, on instructions, allowed to be withdrawn with no order as to costs. All rights and contentions as to the title to the flat are expressly kept open.

(G. S. PATEL, J.)