

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 5 OF 2016
IN
TESTAMENTARY SUIT NO. 61 OF 2015
IN
TESTAMENTARY PETITION NO. 1574 OF 2014**

Rahul Harilal Pandya ...Plaintiff
Versus
Girish Maneklal Trivedi ...Defendant

Ms. Shivani Soni, *i/b Deven Dmarkadas & Partners, for the Plaintiff/
Applicant.*

**CORAM: G.S. PATEL, J
DATED: 10th June 2016**

PC:-

1. The Chamber Summons seeks discharge of the Caveat. I have considered the Caveat and heard learned Advocate for the Plaintiff. The only ground in the Affidavit in Support of the Chamber Summons seeking a discharge of the Caveat is that the Defendant has failed to put up a contesting Will. The Plaintiff also denies the Defendant's contentions regarding certain properties. This is no ground for discharge of the Caveat. Admittedly, the Caveator has a caveatable interest as he is the deceased's brother.

2. Paragraphs 2 and 3 of the Affidavit in Support of the Caveat make out clear grounds of lack of testamentary capacity and undue influence in preparing the Will.
3. There is no substance to the Chamber Summons. It is dismissed with no order as to costs.
4. List the Suit for framing issues on 5th July 2016.

(G. S. PATEL, J.)