

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**CHAMBER SUMMONS NO.46 OF 2017
IN
TESTAMENTARY SUIT NO.48 OF 1996
IN
TESTAMENTARY PETITION NO.601 OF 1995**

Anand Gunvantrai Gupta And Another ... Plaintiffs

Narendra Shivilal Gupta ... Deceased

In the matter between :

Gunvantrai Shivilal Gupta ... Plaintiff

Versus

Gaurang Gunvantrai Gupta

And Others ... Defendants

And

Anand Gunvantrai Gupta & Another ... Applicants/Prop.
Petitioners

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Mr. Laukik Palekar a/w Pooja Sharma i/b M/s Jehangir Gulabbhai &
Bilimoria & Daruwalla for the Applicants/Prop. Petitioners

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CORAM : S.C.GUPTE, J.

DATE : 4 OCTOBER 2017

P.C. :

. This petition, converted into testamentary suit, seeks probate of the Will executed by deceased Narendra Shivilal Gupta. Since the sole executor of the Will died during pendency of the suit, the chamber summons was taken out for converting the probate petition into a petition for Letter of Administration along with the Will annexed. That chamber summons was

allowed on 8 August 2017. The conversion of the petition, however, could not be carried out since, the original record of the testamentary petition was not available with the Court Office. By an order dated 14 September 2017, this Court permitted the Petitioner/Plaintiff to file the reconstructed original proceedings. Learned Counsel for the Applicants to the Chamber Summons submits that since the sole executor has died, it is not possible to reconstruct the original record of the testamentary petition. The Applicants are, accordingly, permitted to file a fresh petition for Letter of Administration with Will annexed. It shall be treated as converted testamentary petition. No fresh court fees be paid accordingly on the testamentary petition. Office to act accordingly.

(S.C. GUPTE, J.)