

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO.33 OF 2017
IN
TESTAMENTARY SUIT NO.87 OF 2013
IN
TESTAMENTARY PETITION NO.1442 OF 2012**

Balkrishna Harkisandas Nanavati alias
Nanavaty alias
Bachubhai Harkisandas Nanavati ... Deceased

And
Mr. Jatin Balkrishna Nanavati
and others ... Applicants

In the matter between
Padmavati Balkrishna Nanavati ... Petitioner / Plaintiff.

Versus

Mrs. Hema Anil Malkan
and others ... Caveators / Defendants.

.....

Ms. Ishita Y. Shah i/b. Kiran Mohite for Applicants.
Mr. S.G. Bhandary i/b. Bhandary and Bhandary for Defendant
Nos. 3, 4 and 5.
None for Defendant No.1 and 2.

CORAM : K.R. SHRIRAM, J.

DATE : 22nd MARCH 2017

P.C.:

1. This Chamber Summons is taken out for converting probate Petition into a Petition for Letters of Administration, with will annexed since the executors have expired.

2. Mr. Bhandary for Defendant Nos.3,4 and 5 has no objection to this. Counsel for Applicant states that the chamber Summons has been served upon Defendant No.1 and 2, and undertakes to file an affidavit of service within one week from today. No reply opposing the Chamber Summons is also filed by Defendant nos.1 and 2.

3. In the circumstances, the Chamber Summons is allowed in terms of prayer clause (a),(b) and (c) and accordingly disposed. The portion bracketed in red ink in schedule-A to the Chamber Summons is excluded.

4. Amendment to be carried out and copy of the amended Petition to be served within three weeks from today.

(K.R.SHRIRAM,J)