

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**TESTAMENTARY SUITS NO. 19 OF 2009**

**In**

**TESTAMENTARY PETITION NO. 27 OF 1991**

Suresh M. Vadechha & Ors. ....Plaintiffs  
V/s.  
Chandresh M. Virvadia .... Defendant

Mr. Naresh J. Ratnani for the Plaintiffs.  
Mr. J.V. Parmar a/w Mr. O.S. Komwal for the Defendant.

**CORAM : K.R.SHRIRAM, J.**  
**DATED : 14<sup>TH</sup> FEBRUARY, 2017.**

**P.C.**

1 In the affidavit in support of the caveat of Chandresh Muktilal Virvadia, affirmed on 01.08.2009, paragraph No.10 reads as under:

*“10. I say that I have no objection for grant of Probate for administering properties except the premises mentioned in para 7 above viz. Block No.2, Shyam Kunj situate at 86, Walkeshwar Road, Mumbai-400 006.”*

2 In the Probate Petition the Court does not go into the title or whether the testator could have bequeathed any property in law. The role of the Probate Court is only to conclude whether the Will propounded by the testator is valid or otherwise. In paragraph 10 the caveator has expressly stated, as quoted above, that he has no objection for grant of

Probate. Therefore, in my view, there is no need to frame any issues and the Petition can be treated as uncontested Petition and the Registry can go ahead and grant probate. If the caveator has got problems with any of the properties which would be administered and which forms part of the bequeathal, they may take it up in a separate forum.

3           The Suit stands disposed. Drawn up decree dispensed with.

4           Prothonotary to act on a copy of this order duly authenticated by this Court.

**(K.R. SHRIRAM, J.)**