

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.51 OF 2015

Vasant J. Joshi @ Vasantbhai Jivram ...Deceased

IN THE MATTER BETWEEN :

Sanat J. Joshi ...Petitioner

V/s.

Hemant V. Joshi ...Respondent

Mr.Jayant Panchal for the Petitioner.

Ms.Jennifer Michael i/b Mr.Anil D'Souza for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 18TH JULY, 2017.

P.C. :-

1. By this petition, the petitioner seeks revocation of the order dated 25th February, 2014 passed by this Court in Misc. Petition No.27 of 2014 under section 2 of the Bombay Regulation VIII of 1827. The said petition was filed by the son of the said deceased Vasant J. Joshi. The other heirs and next of kin of the said deceased who fell under Class-I of the Hindu Succession Act, 1925 had filed the consent affidavit. Admittedly the petitioner to this miscellaneous petition does not fall under Class-I. The petitioner herein is the brother of the said deceased. Since the heirs and next of kin falling

under Class-I are available, they were declared as the heirs and next of kin of the said deceased in the said proceedings.

2. Learned counsel appearing for the petitioner fairly admits that his client does not fall under Class-I. In my view, the miscellaneous petition for revocation of the said order dated 25th February, 2014 passed by this Court is not maintainable and is dismissed.

3. Learned counsel appearing for the respondent seeks one week time to file the Vakalatnama. Time is granted as prayed.

4. The miscellaneous petition is dismissed as not maintainable. No order as to costs.

(R.D. DHANUKA, J.)