

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

MISCELLANEOUS PETITION NO.89 OF 2016

Narotm Sekhsaria .. Petitioner
Vs.
Pawankumar Sekhsaria & Ors. .. Respondents

Mr.Chirag Mody a/w Mr.Ashok Purohit i/by M/s.Ashok Purohit & Co.
for the petitioner.

Mr.Vivek Kantawala a/w Mr.Amey Patil i/by M/s.Vivek Kantawala &
Co. for the respondents.

CORAM : R.D. DHANUKA, J.

DATE : 26th July 2017

P.C. :

. By this petition filed under Section 261 of the Indian Succession Act, 1925, the petitioner seeks amendment to the probate of the last Will and Testament of deceased Shri Bhagwatiprasad Sekhsaria and in particular to the properties described at serial nos.16, 17 and 18 of the Schedule of the property annexed to the said last Will and Testament dated 30th March 2010 on the ground that in paragraph 16 of the Schedule of the property annexed at page 64 of the petition stating that remaining 91.67% share belongs to Nagarmalji S.Sekhsaria HUF 50% is not correct but in place of the said name, the name of the applicant ought to have been stated in the said Schedule to the Will. He submits that similar mistake is also committed in paragraphs 17 and 18 of the schedule to the Will. He invited my attention to the letter dated 14th January 2016 from Nagarmal Banarsilal Sekhsaria HUF to Mr.Pawankumar Pradeep Sekhsaria stating that the name of 'Nagarmalji

S.Sekhsaria HUF' has been erroneously recorded at serial nos.16, 17 and 18 of the schedule annexed to the Will and requesting him to amend probate. The petition is opposed by the respondents.

2. It is made clear that merely because the probate has been granted by this Court, this Court has not decided the title in respect of the properties mentioned in the Will. The respondents who have propounded the Will cannot claim ownerships on the basis of the probate granted by this Court. In view of the disputes regarding title, parties would have to file independent proceedings, if they so desire.

3. Miscellaneous petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.