Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY PETITION NO. 850 OF 2017

AND

CHAMBER SUMMONS NO. 31 OF 2018

Niranjan Javarilal Kapadia …Petitioner

And

Prabhavati Ishwarlal Kapadia …Deceased

Mr Madhuri Joshi, *i/b Kalpesh Joshi Associates for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 4th September 2018

PC:-

TESTAMENATARY PETITION NO. 850 OF 2017:

1. The remaining prayer is for leave to serve by substituted service on two of the sisters of Shailesh Doshi namely Kalpana Ratanchand Doshi and Rekha Ratanchand Doshi. For this limited purpose and for an order of substituted service, the matter will be listed before Mr Trivedi, Additional Prothonotary and Senior Master on a day convenient to him in the next week for an appropriate order.

2. It is not necessary to serve fresh citation on account of the amendment and the bringing on record of Chandrika Niranjan Kapadia as the Petitioner.

CHAMBER SUMMONS NO. 31 OF 2018:

3. The application is by one Sudhir Kapadia, heir of the original Petitioner, Niranjan Kapadia (and the brother-in-law of the present substituted Petitioner Chandrika Niranjan Kapadia). He supports the Will and the grant and wishes to be joined as a co-Petitioner. This is easier said than done, because Sudhir also wants to be separately represented and there could not be two Advocates for two Petitioners. All Petitioners must be represented by single Advocate and a single set of Advocates. I will, however, allow Sudhir to be joined as Respondent to the Testamentary Petition No. 850 of 2017. The question will now arise whether it is he or Chandrika who should be granted Letter of Administration. All contentions in that behalf are left open.

4. The Chamber Summons is disposed of in these terms, with no order as to costs.

5. Amendment to be carried out by the Advocate for the Plaintiff, without need of reverification within a period of two weeks from today.

(G. S. PATEL, J)