

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 76 OF 2018
IN
TESTAMENTARY PETITION NO. 293 OF 2010**

State of Maharashtra through the Investigation Officer, Bandra Police Station, Bandra (West), Mumbai	...Applicant
<i>In the matter between</i> Hoshang M Baria & Anr	...Petitioners
Furrokh B Dhondi	...Deceased

**WITH
TESTAMENTARY SUIT NO. 113 OF 2010
IN
TESTAMENTARY PETITION NO. 293 OF 2010
WITH
TESTAMENTARY SUIT NO. 13 OF 2011
IN
TESTAMENTARY PETITION NO. 879 OF 2010**

Mr US Upadhyay, *AGP, for Applicant.*
Mrs Anjali Purav, *for the Petitioner in Testamentary Suit No. 113 of
2010 & Defendant in Testamentary Suit No. 13 of 2011.*
Mr Tejas Vora, *with Mr DR Mishra, for Petitioner in Testamentary
Suit No. 13 of 2011 and Defendant in Testamentary Suit No. 113
of 2010.*

Mr Vijay B Belge, PI, Bandra Police Station, Mumbai, present.

CORAM: G.S. PATEL, J
DATED: 13th July 2018

PC:-

1. The application is by the State Government to take inspection of the Will in connection with a pending criminal complaint *inter alia* in respect of forgery amongst other sections under the Indian Penal Code. That very Will is in dispute in this Testamentary Petition. Whether or not it is a forgery and whether or not it is genuine is a matter for this Court in its Testamentary Jurisdiction to decide. I will not permit a situation where because some parallel complaint has been filed (and in this case by some third party) the entire integrity of the trial and evidence before this Court is compromised.

2. The present Application is therefore rejected.

(G. S. PATEL, J)