

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS REVOCATION PETITION NO. 114 OF 2017
IN
TESTAMENTARY PETITION NO. 282 OF 1998**

Hansa B Bheda	...Petitioner
<i>Versus</i>	
Dilip B Dand	...Respondent

Mr Ruchir Tolat, with Mr Vishal Acharya, for the Petitioner.
Mr BK Bhikaji, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 24th July 2018

PC:-

1. There is no substance in this revocation Petition. The Respondent, Dilip, was married to one Meena, the daughter of the Petitioner, Hansa. Meena died on 24th October 1997. Dilip applied in Testamentary Petition No. 282 of 1998 for Letters of Administration to Meena's estate. He was her only heir within meaning of Section 15(1)(a) of the Hindu Succession Act.

2. The dispute between the parties is in regard to a residential property D/7, Flat No. 6, Kunthunath Cooperative Housing Society Ltd, Parshwanath Nagar, Nahur Road, Mulund (West), Mumbai

400 080. The flat stood equally in the joint names of Meena and her mother, Hansa, the Petitioner here. When Dilip applied for Letters of Administration, he obviously succeeded to Meena's 50% share in that flat.

3. The application today by Dilip's mother-in-law, Hansa, is that Hansa's husband paid for the entire consideration of the flat. This is no ground for revocation. This does not entitle Hansa to anything more than perhaps a right to seek partition. *The other ground is that Dilip's statement that Hansa and her husband, Bhupendra had orally consented to the grant is incorrect.* Whether that is or is not true is not relevant in view of the provisions of Section 15 and 16 of the Hindu Succession Act. The surviving heir Dilip would take to the exclusion of other heirs listed lower in sequence.

4. The Revocation Petition is dismissed. No order as to costs.

(G. S. PATEL, J)

Note: This order is modified as per the order dated 11th September 2018 passed on speaking to the minutes. Corrections are shown in italics and underline.