

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 173 OF 2018
IN
TESTAMENTARY SUIT NO. 166 OF 2013
IN
TESTAMENTARY PETITION NO. 89 OF 2013**

Shirish Divecha	...Applicant
<i>In the matter between</i>	
Amresh J Divecha	...Plaintiff
<i>Versus</i>	
Shirish Divecha & Ors	...Defendants
<i>And</i>	
Palonji Mansion Co-operative Housing Society Limited & Ors	...Respondents

Mr Farhan Dubash, *with Dipika Panchamatia, I/b Vigil Juris, for the Plaintiff.*

Mr Rohaan Cama, *with Sridhar Chari and Saloni Shah, I/b DSK Legal, for the Applicant.*

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

PC:-

1. The application is by the 1st Defendant seeking an order against Respondent Nos. 1 to 4 to preserve with them and give

inspection of all documents pertaining to the deceased Harshada Krishnaram Divecha. Respondent Nos. 2, 3 and 4 are banks and Respondent No. 1 is a cooperative society.

2. In view of the response from the two banks at pages 11, 13 and 14, I believe that the preservation of these records are necessary for the final disposal of the Suit. It is not only the question of the estate of the deceased but also a question of the authenticity and validity of the signature on the testamentary instrument.

3. The Plaintiff will not be prejudiced by the grant of these prayers.

4. The Notice of Motion is made absolute in terms of prayer clause (a), (b) and (c).

(G. S. PATEL, J)