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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

CHAMBER SUMMONS NO.63 OF 2018
IN
MISCELLANEOUS PETITION NO.84 OF 2017
IN
TESTAMENTARY PETITION NO.307 OF 2016

Yogendra N. Singh

...Applicant

IN THE MATTER BETWEEN :

Umeshbhai Desaijee Memorial Trust
V/s.

...Petitioner

Umed V. Desaijee

...Respondent

Mr.Tejas Vora with Mr.J.M. Doshi I/b Malvi Ranchoddas & Co. for the
Original Petitioner.

Mr.Cyrus Ardeshir I/b Mr.Vedchetan Patil for the Respondent.

Mr.S.P. Shukla for the Applicant in the Chamber Summons.

CORAM : R.D. DHANUKA, J.
DATE : 9TH JANUARY, 2019.

P.C. :-

1. By this chamber summons, the applicant who seeks right, title and interest in one of the property under the Deed of Conveyance dated 14th June, 2003 seeks his impleadment in the petition filed under section 263 of the Indian Succession Act, 1925 *inter-alia* praying for revocation of Letters of Administration dated 19th September, 2016.

2. This Court while granting the said Letters of Administration has neither decided any issue of title nor the issue of title could be decided by this Court. In my view, the applicant is thus neither necessary nor property party in the Miscellaneous Petition No.84 of 2017. The chamber summons is accordingly dismissed. There shall be no order as to costs.

3. It is made clear that this Court has not expressed any views on the title of the property claimed by either party in the proceedings. If any proceedings are filed by the applicant or other parties for adjudication of their claim in respect of the property which was allegedly bequeathed by the deceased, the same shall be decided on its own merits.

4. Place the Miscellaneous Petition No.84 of 2017 on board for hearing and final disposal on 12th February, 2019. *Ad-interim* order passed by this Court in the miscellaneous petition to continue till next date.

(R.D. DHANUKA, J.)