

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 2332 OF 2020
IN
TESTAMENTARY PETITION NO. 669 OF 2014**

Ramesh Morarji Ashar	...Petitioner
<i>And</i>	
Manjulaben Karsandas Ashar	...Deceased

Mr Rajesh Chhedda, *for the Applicant/Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 9th March 2021**

PC:-

1. The Interim Application is misconceived. The Petitioners obtained probate on 13th March 2015 to a Will and Codicil in Gujarati. The Applicant is one of the three Executors. When these Executors attempted to sell the flat in question, they were confronted with certain queries from the vendor. It is not for a Court to answer a vendor's requisitions as to title. What is to be made of this or that particular provision in a Will or Codicil is not the remit of the Testamentary Court, particularly after probate is granted. There are other proceedings that are available when it comes to matters of interpretation of deeds and documents.

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Kulkarni

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2. The Applicant is at liberty to adopt all or any of those proceedings, including filing an Originating Summons.
3. The Interim Application is dismissed with this liberty. No costs.
4. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)