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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 877 OF 2005**

Mr. Pushpawati K. Mehta & Anr. Petitioners.

V/s

Saroj B. Vora and Others Respondents.

Ms. Jaishri Surati i/b M/s. S. Ashwinikumar and Co. for the
Petitioners.

None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 10, 2022

P.C.:-

1] The claim of the Petitioners is based on unprobated Will of deceased Kushalchand Mehta dated 3rd April, 1987. I am informed that already independent proceedings are taken out by the Petitioners before this Court being TP/494/ 2005 (Ravindra Khushalchand Mehta vs. Rameshchandra L. Pandit).

2] In the aforesaid backdrop, having regard to the finding recorded in the impugned order dated 9/2/1995 passed in Chamber Summons No.1354 1994 in suit No.7053 of 1991 along with Chamber Summons No.1355 of 1994 in Suit No.7054 of 1991, I hardly see any reason which warrants interference in the extraordinary jurisdiction so as to upset the finding recorded by the court below. Apart from above, it is required to be noted that the Court has already taken recourse to the

provisions of Sections 15 and 16 of the Hindu Succession Act for rejecting the prayer of the Petitioners for impleading them as Plaintiffs in the aforesaid proceedings.

3] In the aforesaid backdrop, no case for interference is made out. Petition as such stands dismissed.

4] However, dismissal of the Petition shall not come in the way of the Petitioners in pursuing the pending Probate Proceedings.

(NITIN W. SAMBRE, J.)