

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**CTS NO. 140 OF 2021
IN
TESTAMENTARY PETITION NO. 380 OF 2021
WITH
TESTAMENTARY SUIT NO. 100 OF 2021**

Rajiv Dushyant Banker ... Petitioner

And

Hansa Dushyantbhai Banker ... Deceased

Amita Shailesh Haribhakti ... Caveator

Mr. B.G. Saraf for the Petitioner.

Mr. Aseem Naphade a/w Mr. Deepak Deshmukh and Mr. Vivek Dwivedi i/
b Naik Naik & Co. for the Caveator.

CORAM : R.I. CHAGLA, J.

DATED : 11th MARCH, 2022

ORDER :

1 Testamentary Suit No.100 of 2021 is not on board, taken on board.

2 The learned Counsel appearing for the Defendant- Amita Haribhakti in the above Testamentary Suit No.100 of 2021 states on instructions that the Defendant is withdrawing the caveat filed in the aforementioned Suit. Accordingly, the caveat filed by the Caveator/ Defendant is discharged.

3 The Testamentary Suit No.100 of 2021 is converted into Testamentary Petition on account of the discharge of caveat.

4 The Petitioner is the only other heir of the deceased as stated in paragraph 10 of the Testamentary Petition. The parents, mother-in-law and father-in-law of the deceased predeceased the deceased. The deceased Hansa Dushyant Banker alias Hansa Dushyantbhai Banker expired at Mumbai on or about 22.08.2018 as a widow. Save and accept the legal heirs mentioned in the tabular form at paragraph 10 of the Testamentary Petition, the deceased left no other legal heirs.

5 It is stated that no application has been made to any District Court or District delegate or to any High Court for probate of any Will of the said deceased or for letters of administration with or without Will to be annexed to property and credits of the deceased other than the above Testamentary Petition for letters of administration with the Will annexed dated 29.10.2016 of the deceased.

6 In view thereof, considering that there is no objection of the other legal heir of the deceased namely Amita Haribhakti who has withdrawn her caveat and the learned Counsel appearing for her has stated that she has no objection to the grant of letters of administration with Will annexed dated 29.10.2016 in favour of the Petitioner, the

following order is passed :

- i) The Testamentary Department shall process the grant of letters of administration with Will annexed.
- ii) The Testamentary Suit is disposed of in view of the caveat having been discharged and the Suit converted into Testamentary Petition.
- iii) Drawn up decree/ order is dispensed with.

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.03.15
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(R.I. CHAGLA, J.)