

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 226 OF 2024

Milan Bharat Gupta

...Appellant

Versus

Ila Bharat Gupta

...Respondent

Mr Rajesh B Doshi, with *Neha R Doshi, i/b Legal Juris, for the Appellant.*
Nelly Mehta, *i/b NMA Legal, for Respondent No. 1.*

Ms Poorva Garg, with *Simon Mascarenhas, i/b Mulla & Mulla And*
Craigie Blunt & Caroe, for Respondent Nos. 2 & 3.

Ms Savita Mundra, *for Respondent No.6 (Axis Bank).*

Ms Dhanshri B Wakchaure, *i/b OA Das, for Respondent No.9 (Bank of*
India).

CORAM: ARIF S. DOCTOR, J

DATED: 28th November 2024

PC:-

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RAMCHANDRA
SANKPAL

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1. The First Appeal impugns an Order dated 6th November 2023 passed by the Learned Judge of the City Civil Court, Mumbai, in SC Suit No. 1709 of 2023. The Appellant before the Court is the original Plaintiff and Co-Executor in the Will of one Late Mr. Bharat Kishore Gupta and has filed a captioned Suit seeking various orders including orders of restraint against Defendant No.1 from intervening with the estate of late Mr. Bharat Gupta.

2. Defendant No.1 is Respondent No.1 in the present Appeal, is the sister of the Appellant and a Executor named in the Will of the late Bharat Kishore Gupta as also is the Appellant. The Suit has been dismissed and it is thus the present First Appeal has been filed.

3. I have heard Mr Doshi, Learned Counsel appearing on behalf of the Appellant whose primary grievance is that the assets according to him of the deceased had depreciated during the pendency of the Suit and it is thus the Suit was filed.

4. Ms Mehta, Learned Counsel appearing on behalf of Respondent No.1, daughter has invited my attention to the Will and pointed out that the Appellant is entitled to a sum of Rs. 40 lakhs under the said Will. There has been a residuary of the estate of late Bharat Kishore Gupta is his wife, Mrs Shashibala Gupta.

5. It is also brought to my notice and pertinently that though the real beneficiary under the Will was Mrs Shashibala she was not even made a party in the Suit in which the impugned order was passed.

6. Having due regard to this, this is clearly a dispute between inter sey between the siblings of the late Bharat Kishore Gupta.

7. Let this First Appeal be listed and added in the list of First Appeal for final hearing. The same shall be taken up in its regular course.

(ARIF S. DOCTOR, J)