

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

**INTERIM APPLICATION (L) NO. 15242 OF 2024
IN
INTERIM APPLICATION NO. 7319 OF 2024
IN
TESTAMENTARY PETITION NO. 1628 OF 2024**

Bijal Nalinkumar Patel ...Applicant
Ori. Respondent No.1

In the matter between
Pramod Anant Sawant ...Petitioner/Ori.
Applicant

Nalinkumar Mohanbhai Patel ...Deceased

**WITH
INTERIM APPLICATION (L) NO. 15243 OF 2024
IN
INTERIM APPLICATION NO. 7333 OF 2024
IN
TESTAMENTARY PETITION NO. 1634 OF 2024**

Bijal Nalinkumar Patel ...Applicant
Ori. Respondent No.1

In the matter between
Pramod Anant Sawant ...Petitioner/Ori.
Applicant

Daya Nalinkumar Patel ...Deceased

Mr. Karl Patel, for the Petitioner (Deceased).

Ms. Surbhi Agrawal, i/b Abhishek Yende, for Respondent
No.3.

Mr. Karl Tamboly, a/w Darshan Mehta, Aaditya Mapara,
Megha Sanghavi, i/b Dhruve Liladhar and Co., for
Respondent Nos.8 to 10, 16 to 18, 20, 21, 33 and 34.

**CORAM: N. J. JAMADAR, J.
DATED: 26th AUGUST, 2024**

PC:-

1. Heard the learned Counsel for the parties.
2. These Testamentary Petitions are filed for grant of Probates of the Wills dated 7th December, 2017 purportedly executed by two deceased – the parents of respondent No.1 Bijal Nalinkumar Patel.
3. The petitioner Pramod Anant Sawant claimed to be the executor under both the Wills. The petitioner – executor preferred interim applications, being IA(L)/7319/2024 in TP/1628/2024 for the grant of Probate of Nalinkumar Mohanbhai Patel and IA(L)/7333/2024 in TP/1634/2024 filed for the grant of Probate of the Will of Daya Nalinkumar Patel, for interim reliefs.
4. By an order dated 13th March, 2024, this Court was persuaded to grant ad-interim reliefs in both the petitions in terms of prayer Clauses a(i), (a), (b), (h) and (i) of the interim applications, *inter alia* appointing the petitioner as an administrator of the estate of the deceased under Section 247 of the Indian Succession Act and restraining respondent No.1 from withdrawing the investment made by the deceased in mutual funds and from dealing with the estate of the deceased. Likewise respondent Nos.2 and 3, who are also stated to be the

beneficiaries under the Will, were also restrained from withdrawing the amounts invested by the deceased in the mutual funds and from dealing with the estate of the deceased. They were restrained from creating third party interest in the estate of the deceased, Respondent Nos.4 to 15, the companies/entities with whom the deceased had invested the amount were also directed to withhold the amounts and other investments and cease and desist from distributing or disbursing the same to any beneficiary.

5. Respondent No.1 filed IA(L)/15242/2024 in IA(L)/7319/2024 in TP/1628/2024 and IA(L)/15243/2024 in IA(L)/7333/2024 in TP/1634/2024, alongwith the Caveats, seeking recall of the aforesaid order dated 13th March, 2024 and allied reliefs. Serious allegations of fraud are made therein, against the petitioner, who is a complete stranger to the family.

6. The applications were heard and posted for orders on 26th August, 2024.

7. On 23rd August, 2024, the Court was informed that the petitioner has passed away on 7th August, 2024.

8. Mr. Karl Patel, the learned Counsel for the deceased petitioner, has tendered copy of the medical certificate of cause

of death, which indicates that the petitioner passed away on 7th August, 2024.

9. In view of the aforesaid development, since the deceased – petitioner was appointed as an Administrator during the pendency of the Probate petitions, it would be superfluous to decide the applications to recall the said order. On account of the death of the petitioner, the order appointing the deceased petitioner as an Administrator ceases to operate.

10. Since the deceased petitioner is not one of the beneficiary and had filed the petitions in the capacity of an Executor of the Wills of the deceased, the petitions for Probate do not survive.

11. Thus, Probate petitions stand disposed.

12. All interim applications and Caveats also stand disposed.

13. Interim orders stand vacated.

14. Needless to clarify that any other person entitled to the grant of Probate or Letters of Administration is at liberty to file appropriate petitions.

[N. J. JAMADAR, J.]