

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.87 OF 2024
IN
MISC. PETITION (L) NO.34745 OF 2023
IN
TESTAMENTARY PETITION NO.534 OF 2022**

Satish Surappa Poojari V/s. Lata Rajesh Shetty alias Latha Rajesh Shetty	... Appellant (Orig. Respondent) ... Respondent (Orig. Petitioner in Misc. Petition (L) No.34745 of 2023)
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**WITH
INTERIM APPLICATION NO.1356 OF 2024
IN
APPEAL NO.87 OF 2024
IN
MISC. PETITION (L) NO.34745 OF 2023
IN
TESTAMENTARY PETITION NO.534 OF 2022**

Satish Surappa Poojari	... Applicant/Original Appellant
<u>In the matter between</u>	
Satish Surappa Poojari V/s. Lata Rajesh Shetty alias Latha Rajesh Shetty	... Appellant (Orig. Respondent) ... Respondent (Orig. Petitioner in Misc. Petition (L) No.34745 of 2023)

Mr. Ibrahim Shaikh a/w Mr. Madhav Shah, Mr. V. D. Chandane
i/by Ajinkya Gangurde for the Appellant/Applicant.

Mr. B. G. Saraf a/w Mr. Suyash Kalbhor for the Respondent.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 2nd MAY 2024

P.C. :

The present Appeal impugns an order dated 21st February 2024 passed in Miscellaneous Petition (L) No.34745 of 2023.

2. By the said order, the grant of Letters of Administration of the Will, dated 17th May 2023 in favour of the Appellant came to be revoked. It is, thus, that the Appellant has filed the present Appeal.

3. It is submitted before us by the learned counsel for the Appellant that pursuant to the said grant, the Appellant has infact transferred one property of the deceased, viz., a flat, to the Appellant's name.

4. Mr. Saraf, learned counsel for the Respondent submits that this transfer has been incorrectly done, since the Appellant could never have acted on the basis of a grant, which has been revoked.

5. We find that the issue raised in the Appeal requires consideration. Hence, admit.

6. Learned Counsel appearing on behalf of the Appellant makes a statement that pending the hearing and final disposal of the present Appeal, no further steps would be taken by the Appellant, in any manner, to either encumber and/or alienate and/or transfer the said flat. The statement is accepted.

7. Interim Application No.1356 of 2024 is disposed of accordingly.

8. List the Appeal in regular course.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)