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

**INTERIM APPLICATION NO.243 OF 2024
IN
TESTAMENTARY SUIT NO.22 OF 1990
IN
TESTAMENTARY PETITION NO.509 OF 1989**

Hiren Bipin Maniar and Anr.

.. Applicants

Versus

Bakul Chandlal Mehta

.. Defendant

**Mr.Amit Tungare a/w Ms.Karthyayani Amblimath i/b M/s.Asahi
Legal, Advocate** for the Applicant in IA No.243 of 2024.

Mr.Himanshu B. Takke, A.G.P. for the State of
Maharashtra/Defendant No.3.

Mr.Bakul C.Mehta, party in person present in Court

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: NOVEMBER 18, 2025

P. C.

1. This Interim Application has been filed seeking condonation of delay of 292 days in taking out the Application, for substituting the beneficiaries under the Will in place of the deceased Executor and for setting aside the abatement of Testamentary Suit No.22 of 1990.

2. One Mr.Shantilal Chhaganlal Mehta had passed away in Bangalore on 25th November 1988. He had left a will dated 27th May 1987 under which he had appointed one Mr.Yogesh Chunilal Maniar as the sole Executor. The said Mr.Yogesh Chunilal Maniar passed away on 14th January 2020 in U.S.

3. Being the legatees under the Will dated 27th May 1987, the Applicants have sought to be brought on record in the Suit in order to be allowed to prove the Will and for grant of Letters of Administration to the Estate of the Deceased with the Will annexed as per the provisions of Section 232 of the Indian Succession Act.

4. I have perused the Interim Application. In my view, for the reasons stated therein, the delay in taking out the Application needs to be condoned, the legatees of the Will are required to be substituted in place of the deceased executor and the abatement of the Testamentary Suit No.22 of 1990 is required to be set aside.

5. Accordingly, the Application is allowed in terms of prayer clauses (a), (b) and (c) which read as under:

“a) That the delay of 292 days in taking out this Application be condoned in the interest of justice;

b) That the abatement of the above Testamentary Suit No. 22 of 1990 due to the death of the Plaintiff be set aside;

c) That Applicants be substituted as Plaintiffs in the above Suit in the place and stead of the deceased Plaintiff and be permitted to prove the Will of the deceased according to law & be pleased to allow to do amend the title of the Plaint & any other consequential amendment in the Plaint."

6. Amendment be carried out within a period of two weeks from today and the amended copy thereof be served on the other side.

[FIRDOSH P. POONTWALLA, J.]