

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 1335 OF 2024
WITH
WILL NO. 472 OF 2024
IN
TESTAMENTARY PETITION NO. 1335 OF 2024

Yash Kalpesh Sanghvi ...Petitioner

Chanchalben Harilal Sanghavi ...Deceased

Ms Rashmi Parmar, *for the Petitioner.*

SHEPHALI
SANJAY
MORMARE

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CORAM: ARIF S. DOCTOR, J
DATED: 30TH JANUARY 2025

PC:-

1. This Court had vide an order dated 18th October 2024 issued a Special Citation on the Executor of the said Will and made the same returnable on 30th December 2024. The record now reflects that the Executor has pursuant to service of the Special Citation filed a Caveat opposing the grant of Letters of Administration to the Petitioners and as

specifically stated that the Executor has never relinquished or surrendered his duty or obligation cast upon him under the Will of the deceased. Affidavit in support of the Caveat further sets out that the Caveator being an Executor to the Will has shown his willingness and readiness to act as an Executor. But, it was in fact the Petitioner who was insisting that the Caveator released himself from acting as an Executor and sign the Consent Affidavit, which the Executor refused to do.

2. Affidavit in support the Caveat shows that the Caveator is happy and willing to proceed to act as an Executor. However, a copy of the original Will being in the custody of the Petitioner, once the same handed over to the Caveator, he shall act in accordance with thereof.

3. Today, in view of the fact that the Executor under the Will is ready and willing to act as an Executor, there is no objection to the office to proceed with the present Petition.

4. Hence, no order.

(ARIF S. DOCTOR, J)