

HARSHADA H. SAWANT
(P.A.)

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

**INTERIM APPLICATION (L) NO.30198 OF 2025
IN
CAVEAT (LODGING) NO.15619 OF 2024
WITH
TESTAMENTARY PETITION NO.1570 OF 2024**

Arati Rajendra Shah Nee Arati Dhiraj Parikh .. Applicant

IN THE MATTER BETWEEN:

Ashish Dhiraj Parikh .. Deceased

Sangeeta Ashish Parikh and Anr. .. Petitioners

And

Arati Rajendra Shah Nee Arati Dhiraj Parikh .. Caveator

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- Mr. B. G. Saraf, Advocate for Applicant / Caveator.
- Ms. Yojana Gandhi, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 05, 2025

P.C.:

1. Heard Mr. Saraf, learned Advocate for Applicant / Caveator and Ms. Gandhi, learned Advocate for Petitioner.

2. Interim Application is filed for condonation of delay of one day in filing Affidavit-in-support of Caveat by Caveatrix. Caveatrix is admittedly sister of deceased. Her caveatable interest will be admittedly below the Petitioners who are Class I heirs namely wife and daughters of deceased.

3. Be that as it may, for the reasons stated in the Application, Interim Application is allowed. Delay stands condoned.

4. Caveat is taken up for hearing forthwith.
5. In view of the aforesaid reasons given and nexus of Caveatrix with the deceased, the Caveat cannot survive and is dismissed.
6. Needless to state that rights of Caveatrix in any of the property and credits of the deceased on the basis of any writing as argued by learned Advocate for Caveatrix can undoubtedly be exercised by her in the appropriate Civil Court having original civil jurisdiction. If at all any such steps are taken by Caveatrix, the concerned Civil Court shall pass appropriate orders therein after hearing both the sides.
7. In view of the above, Department is directed to proceed further with issuance of Grant expeditiously.
8. With the above directions, Interim Application is disposed and Caveat is also accordingly disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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SAWANT
Date:
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