

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.62 OF 2025
IN
TESTAMENTARY PETITION NO.4553 OF 2022

Sakhribai Rupaji @ Rupji Khulat (Nee Kakadibai
Ravji Vaijal) .. Deceased

ArjunMalji Vaijal and Ors. .. Petitioners

Versus

Harichandra Rupaji @ Rupji Khulat .. Respondent

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- Mr. Rohan Cama a/w. Mr. Aseem Naphade, Advocates i/by Mr. Sachin Kadam for Petitioners.
 - Mr. Nirman Sharma a/w. Mr. Rishar Singh Deeshank Doshi, Advocates i/by Mr. Shivaji Nirmale for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2025

P.C.:

1. Heard Mr. Cama, learned Advocate for Petitioners and Mr. Sharma, learned Advocate for Respondent.

2. Petition is filed for revocation of Grant dated 28.07.2023. Letters of Administration was allowed and granted and granted by the Court on 23.06.2023 in respect of property and credits of deceased Sakhribai Rupaji @ Rupji Khulat (Nee Kakadibai Ravji Vaijal) who expired on 09.06.1987. Respondent is son of deceased. Grant was issued in his favour.

3. Petitioner before me are legal heirs of the real brother of deceased. One of the grievance which is advanced by Mr. Cama which

can be seen from page No.107 is that the Grant is used in Revenue proceedings by successors-in-title of the deceased.

4. Mr. Sharma in response to Mr. Cama's submission would submit that Respondent is son of deceased and Petitioners before Court have no caveatable interest. The submissions made by Mr. Sharma are noted by the Court.

5. This Court needs to clarify that in Testamentary proceedings, the Court does not determine entitlement, right, title or interest of the parties in immovable properties belonging to deceased.

6. Letters of Administration *per se* require the Grantees to administer the estate of the deceased. If there are any disputes in respect of entitlement, parties are free to approach the Civil Court of appropriate original jurisdiction for agitating their title grievances.

7. Needless to state any dispute relating to immovable property before any forum if pending or if shall be filed, the same shall be decided strictly on its own merits and in accordance with law.

8. In view of the above, Miscellaneous Petition stands disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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