

Amberkar

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

MISC. PETITION NO. 651 OF 2025

IN

PETITION NO. 1419 OF 2022

Hirabai Vijay Sawant @
Hira Vijay Sawant @
Hiraben Bhana Sardara

.. Deceased

Vishwanath Vijay Sawant & Ors.

.. Petitioners

Versus

Ganesh Atmaram Sardara

.. Respondent

.....

- Mr. Gajanan Shinde a/w Mr. Pratap Yadav, Advocates for Petitioners
- Mr. Ajit S. Hodage, Advocates for Respondent (Org. Petitioner)

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 14, 2025

P. C.:

1. Heard Mr. Shinde, learned Advocate for Petitioners and Mr. Hodage, learned Advocate for Respondent.

2. Present Petition is filed for seeking revocation of Letters of Administration granted in favour of Respondent. Deceased Hirabai expired issueless leaving behind her Will and bequeathing her property to Respondent. Deceased was the second wife of Vijay Sawant. Petitioner before me is the son of Vijay Sawant from his first wife Vandana.

3. Mr. Shinde would inform the Court that Vijay Sawant and Vandana had one son and three daughters who would be entitled to

the property and credits of the deceased and more specifically the tenanted premises which is the bone of contention between the parties. He would submit that the tenanted premises are in fact private property and the Petitioner herein claims to be the holder of the said property on the basis of tenancy receipt issued by the landlord in favour of him.

4. If the Petitioner has any such substantive right in any property and apprehends that on the basis of Grant issued by this Court in favour of Respondent may affect his property rights in the subject property occupied by him, he can approach the appropriate Civil Court seeking appropriate declaratory relief therein on the strength of the evidence in his favour. Petitioner has called upon this Court to give an imprimatur on the basis of one rent receipt and address of the property reflected in Aadhar Card, bank passbook, election identity card and electricity bills. This Court unfortunately in such Revocation Petition cannot give its imprimatur of such declaratory relief in favour of Petitioner. Leaving all issues open to Petitioner to approach the appropriate Civil Court having original jurisdiction and seek appropriate declaratory relief as available to him in law, present Petition is dismissed. Needless to state that this Court has not expressed any opinion on merits on entitlement to any of the property

of the deceased and it shall be subject to any proceedings that may be filed in the Civil Court in accordance with law.

5. Petition is dismissed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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