

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.4364 OF 2025
IN
CAVEAT NO.112 OF 2024
WITH
TESTAMENTARY SUIT NO.97 OF 2024
IN
TESTAMENTARY PETITION NO.970 OF 2024
WITH
WILL NO.310 OF 2024

Dr. Govind Tryambak Panse

.. Deceased

Aditi Aniket Kirkole

Applicant/
.. Petitioner

Versus

Dr. Govind Tryambak Panse

Caveator/
.. Respondent

-
- Ms. Mrunal Surana a/w. Mr. Uttam Rane, Advocates for Applicant / Petitioner.
 - Mr. Chaitanya S. Kotnis, Advocate for Caveator / Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 05, 2025

P.C.:

1. Heard Mr. Surana, learned Advocate for Applicant / Petitioner and Mr. Kotnis, learned Advocate for Caveator / Respondent.

2. Brother of the deceased has filed caveat (lodging) No.3829 of 2024. Application seeks dismissal of Caveat.

3. Admittedly Caveator is brother of deceased and in that view of matter his caveatable interest is not in the same class as that of the

Petitioner.

4. In that view of the matter, I am inclined to accept the Interim Application and dismiss the Caveat.

5. Mr. Kotnis would submit that Petitioner is in possession of tenanted premises with which he may deal with on the basis of the Grant which will be issued to him.

6. He would submit that possession of the said premises is with the Caveator and hence he is apprehensive that Petitioner may take steps for transfer of the property on his name on the basis of the Grant.

7. The apprehension of the Caveator may be justified but if the Caveator desires some order from the Court on the basis of his entitlement and / or possession he will have to approach the appropriate Civil Court having original jurisdiction to exercise his such right and obtain appropriate order as available to him in law. In the event if the Caveator approaches the appropriate Court, the concerned Court shall ensure that appropriate order is passed after hearing both the sides.

8. With the above directions Interim Application stands allowed in terms of prayer clause (a) and is disposed. Resultantly Caveat filed by Caveator is dismissed.

9. Department is directed to proceed further with the

proceedings in accordance with law.

10. In view of the above order, Caveat is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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