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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.88 OF 2025
IN
SUIT NO.342 OF 2023

Mrs. Aruna Chandru Tolani

...Applicant /
Plaintiff

Versus

Mr. Dhiren Chandru Tolani and Ors.

...Defendants

Mr. Kunal Mehta with Ms. Kriti Singh i/b Nahush Shah Legal for the
Applicant / Plaintiff.

Mr. Jimish Shah with Mr. Abhishek Bhosle and Mr. Anash Pradhan
i/b. Divya Shah Associates for Defendant No.1.

CORAM : R.I. CHAGLA J.

DATE : 16TH JUNE, 2025.

ORDER :

1. The arguments in the Interim Application have substantially progressed and now the learned Counsel appearing for the Applicant / Plaintiff has tendered a further Affidavit in Reply in the Interim Application.

2. The further Affidavit furnishes a reason to seek

permission of this Court to amend the Plaintiff namely that, the Plaintiff does not wish to seek administration of the Plaintiff's late husband's estate as per his last Will dated 25th April, 2012 and in the event the amendments are allowed, Defendant No.1 can retain and / or receive his 1/4th share in the Plaintiff's husband's estate. There is an explanation given as to why the Plaintiff has not sought deletion of several portions of the Plaintiff. The Plaintiff has stated that should the amendments be allowed, the Plaintiff shall not be prosecuting the Testamentary Suit No.127 of 2019. The Plaintiff shall seek its withdrawal or seek its conversion into a Petition for Letters of Administration without Will. Further, the Plaintiff in the further Affidavit has stated that since the amendments proposed may give an impression that the Plaintiff is still keeping the option of claiming under the Will dated 25th April, 2012 alive, the Affidavit is filed to dispel any doubts.

3. Accordingly, the further Affidavit of the Plaintiff is taken on record. Liberty is granted to the Defendant No.1 to respond to the further Affidavit on the next date.

4. The Defendant Nos.2 and 3 have also tendered their

Affidavits in Reply to the Interim Application, wherein they have made their position clear that they are supporting the Plaintiffs in the Interim Application as well as the stand of the Plaintiffs in the further Affidavit which has now been taken on record. The Affidavits of Defendant Nos.2 and 3 are taken on record.

5. Place the Interim Application for further arguments on 18th June, 2025.

[R.I. CHAGLA J.]