

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

**INTERIM APPLICATION NO.1580 OF 2024
IN
TESTAMENTARY PETITION NO.2354 OF 2021**

Parul Kirit Vyas ... Applicant

In the matter between

Pranlal Prabhashankar Vyas alias Pranlal P. Vyas ... Deceased

Parul Kirit Vyas ... Petitioner

**WITH
TESTAMENTARY PETITION NO.2354 OF 2021
WITH
WILL NO.948 OF 2021
IN
TESTAMENTARY PETITION NO.2354 OF 2021**

Ms. Apoorva L. Thakre i/by Vikrant V. Parashurami for the Applicant/Petitioner.
Ms. Rekha Rane, Testamentary Registrar is present.

**CORAM : ARIF S. DOCTOR, J.
DATE : 21ST JANUARY 2025**

P.C. :

1. The present Interim Application seeks the service of a special citation to one Mr. Sanatkumar Joshi, who is stated to be the Executor of the

document stated to be the Last Will and Testament of one Pranlal Prabhashankar Vyas alias Pranlal P. Vyas, who passed away on 9th March 2020.

2. Learned Counsel appearing on behalf of the Applicant/Petitioner submits that since there is no formal written communication on an Affidavit from the said Executor, it is necessary to issue a special citation. She submits that no letter was addressed by the Executor and the Executor had verbally informed the Applicant that he would not be acted as an Executor. Hence, it is thus that the present Interim Application has been filed.

3. Having heard Learned Counsel for the Applicant and having considered the contents of the Interim Application as also the provisions of Section 229 of the Indian Succession Act, 1925, I find that sufficient cause has been shown for issuance of a special citation to Mr. Sanatkumar Joshi.

4. Hence, the present Interim Application is allowed in terms of prayer clause (a), which reads thus:

“a) This Hon'ble Court be pleased to issue a Special Citation to Mr. Sanatkumar Joshi, the executor appointed in the Will at Exhibit A, as contemplated under section 229 of the Indian Succession Act, 1925 thereby directing the said executor to either accept his executorship or renounce the executorship, in order to bring into effect the bequests in the Will annexed at Exhibit A hereto;”

5. The Interim Application is thus disposed of accordingly.
6. Office to issue special citation, returnable on 18th February 2025.
7. Since the Petition is uncontested, in the event that the Executor renounces his executorship, the Petition to proceed further.

(ARIF S. DOCTOR, J.)