



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

INTERIM APPLICATION NO. 3334 OF 2024
IN
CAVEAT IN TESTAMENTARY NO.114 OF 2024
WITH
TESTAMENTARY SUIT NO. 100 OF 2024
IN
TESTAMENTARY PETITION NO. 2757 OF 2019

Indru Mohan Balchandani

... Plaintiff.

Versus

Lachhmandas Papulal Narang (Deceased)

... Defendant.

Ms Roshni Bhandary i/by Bhandary and Bhandary i/by Bhanthe Applicant-Petitioner.

Adv. Anshul Kochar i/by VJ Juris Advocates for the Respondent-Caveator.

Coram : Sharmila U. Deshmukh, J.

Date : November 24, 2025

P.C.:

1. Interim Application has been preferred seeking dismissal of the caveat, which was filed by the co-executor. The case of the Applicant was that the intention of the caveator in filing the caveat is to harass the executor by reason of which the beneficiaries would be deprived of early probate of the Will of the deceased.
2. Learned counsel appearing for the Applicant submits that neither the beneficiaries nor the wife of the Caveator has any objection to the present executor obtaining probate of the Will of the deceased and the Caveator who is co-brother-in-law has filed the

present application only to harass the beneficiaries.

3. *Per contra*, learned counsel appearing for the Respondent submits that the Respondent has a caveatable interest being co-executor and the wife of the Caveator being beneficiary under the Will. He would further submit that without the co-executor renouncing the executorship, the petition could not have been filed by the present executor.

4. After hearing the learned counsel for the parties for sometime, upon a query by this Court, learned counsel appearing for the Applicant fairly concedes that the Caveator would be made a co-petitioner in the Testamentary Petition. She submits that the same is being done only to ensure that the petition proceeds expeditiously so that the Will of the deceased can be probated keeping in view the interest of all the beneficiaries. This Court appreciates the fair stand which has been taken by the learned counsel appearing for the Applicant, in obtaining the probate of Will of the deceased.

5. In light of the above, the Interim Application stands disposed of.

6. The Applicant-Petitioner to implead the Caveator as a co-petitioner in the Testamentary Petition.

7. Registry is directed to permit the Petitioner to carry out necessary amendment and grant be expedited.

[Sharmila U. Deshmukh, J.]