

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 3458 OF 2024
IN
TESTAMENTARY PETITION NO. 3554 OF 2021

Shaukat H Merchant

...Applicant

In the matter of

Bharat Jayantilal Patel

...Deceased

Prashant Jayantilal Patel & Anr.

...Petitioners

Adv. Rahul Sarda a/w Darshit Jain for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 26TH MARCH, 2025

P.C.:-

1. The captioned Interim Application has been filed seeking the following prayer:-

"a. that this Hon'ble Court be pleased to take on record the resignation of the Applicant/Original Petitioner No.2 viz. Mr. Shaukat H. Merchant dated 30th November, 2023 as the executor of the estate of the said Deceased viz. Mr. Bharat J. Patel and from administration of his estate as per the said Will dated 20th September, 2019 read with the Probate dated 2nd August, 2023 and 9th October, 2023 granted by this Hon'ble Court;"

2. By my previous order, I had directed that a copy of the Interim Application be duly served upon all the beneficiaries under the said Will of Mr. Bharat J. Patel (the deceased).

3. Mr. Sarda, Learned Counsel for the Applicant has placed reliance upon an Affidavit of Service to show that the beneficiaries have all been duly served. The same is taken on record. Mr. Sarda then has pointed out from the Interim Application that the Applicant has stated that he is unable to continue as executor for personal reasons and it was thus that the Applicant had vide a letter dated 30th November, 2023 submitted his resignation to Petitioner No.1, who is the co-executor under the said Will.

4. Having due regard to the aforesaid, I find that sufficient cause has been shown by the Applicant to allow the Interim Application. Hence, the same is allowed in terms of prayer clause (a) already reproduced above.

5. Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)