

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.512 OF 2025
IN
TESTAMENTARY PETITION NO.2602 OF 2021

Laxmi Gangaram Khaire

.. Petitioner

Versus

Shekhar Laxman Khaire

Respondent

-
- Mr. Santosh Gavade, Advocate for Petitioner.
 - Ms. Seema Hunnurkar, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 28, 2025

P.C.:

1. Heard Mr. Gavade, learned Advocate for Petitioner and Ms. Hunnurkar, learned Advocate for Respondent..

2. Miscellaneous Petition No.512 of 2025 is filed by name of Laxmi Gangaram Khaire. Admittedly she is sister-in-law of the deceased. At the time of mentioning this fact was not brought to the notice of this Court by Advocate for Petitioner. Hence the order dated 15.10.2025 was passed. Merely because this order is passed it does not *ipso facto* mean that the order is required to be complied with and Affidavit-in-reply is to be invited from the other side when the Petitioner herself accepts the fact that she is the sister-in-law of deceased she has no caveatable interest nor legal right to file the present Petition.

- 3.** This Petition is nothing but a sheer abuse of the due process of law.
- 4.** Mr. Gavade informs the Court that property of deceased has been transferred to the name of Grantee pursuant to the issuance of grant. He would submit that Petitioner and the deceased are / were jointly entitled to the subject property. He would submit that therefore, Petitioner is entitled to maintain the present Petition.
- 5.** Mr. Gavade is unfortunately incorrect and his submission is completely misconceived and misplaced in law. If at all the Petitioner claims to be the joint owner of the subject property belonging to the deceased, her right and remedy lies in approaching the appropriate Civil Court obtain appropriate reliefs as available to her in law. By filing the present Petition, no right can whatsoever can accrue to the Petitioner by seeking directions with respect to the property and credits of the deceased.
- 6.** Leaving all rights of the Petitioner open with respect to her right in the alleged joint ownership of the subject property of the deceased the present Petition stands dismissed.
- 7.** Petition is disposed.