

Amberkar

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

MISC. PETITION NO. 534 OF 2025
IN
TESTAMENTARY PETITION NO. 834 OF 2023

Meena Ashok Pradhan@
Meena Pratap Varde

.. Petitioner

Versus

Ashwin Pratap Varde & Ors.

.. Respondents

.....

- Mr. Prabhu Velar a/w Ms. Bhakti Patil i/by Mr. Vijay S. Gharat, Advocates for Petitioner
- Mr. Rahul Soman a/w Ms. Dhanashree Gaikiwari i/by M/s. Bilawala & Co., Advocates for Respondents

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2025

P. C.:

1. Heard Mr. Velar, learned Advocate for Petitioner and Mr. Soman, learned Advocate for Respondents.

2. Petitioner is seeking revocation of grant issued in favour of Respondents. The primary and sole reason stated in the Petition is that the testator did not have title to the subject property. If that is the reason, then Petitioner before Court will have to file an appropriate Civil Suit in the Court having original jurisdiction where the subject property is situated and seek appropriate declaratory reliefs therein against the testator or his legal heirs.

3. Mr. Velar would submit that in the interregnum he is not averse to filing the Suit but Revenue proceedings are initiated on the basis of Grant which has been issued and the Respondents are trying to mutate their names in Revenue proceedings. It is clarified that mutating names in Revenue proceedings cannot confirm the right, title and interest in the properties of the Respondents. Right, title and interest is confirmed either by operation of law or by virtue of registered transaction in respect of immovable properties.

4. If Petitioner before Court has substantial rights in the subject property, he is free to approach the Civil Court and file an appropriate Civil Suit and if any such Suit is filed, the concerned Civil Court after hearing Application below Exhibit-5 can pass appropriate relief therein after hearing both sides. Insofar as present Petition seeking revocation is concerned, on the basis of the reasons stated in the Petition, same cannot be sustained. Hence the Petition is disposed. Needless to state that this Court has not given its imprimatur on the substantive rights of Petitioner before Court in respect of subject property and it shall be subject to any orders that may be passed by Civil Court in Civil Suit filed by Petitioner. All questions are expressly kept open.

5. Petition is disposed.

[MILIND N. JADHAV, J.]