

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

**INTERIM APPLICATION NO.4796 OF 2025
IN
TESTAMENTARY PETITION NO.126 OF 2008**

Prashant Vinod Sanghvi and Anr.

..Applicants

In the matter between:-

Khusalchand Keshavji Sangavi

..Deceased

SHARADA
RANGNATH
WAHULE

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SHARADA
RANGNATH WAHULE
Date: 2025.11.14
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Versus

Prashant Vinod Sanghvi and Anr.

..Petitioners

Mr. Yashesh Kamdar a/w K. D. i/by Nahush Shah Legal for the
Petitioners.

**CORAM: FIRDOSH P. POONIWALLA, J.
DATE: NOVEMBER 11, 2025**

P. C.

1. This Interim Application has been filed to direct the Prothonotary and Senior Master of this Court to grant to the Petitioner probate of the last Will and Testament of Shri. Khusalchand Keshavji Sangavi, being Will No.51 of 2008.

2. In this matter, by an Order dated 21st August, 2009 passed by this Court in Notice of Motion No.21 of 2009, in Miscellaneous Petition No.5 of 2009, this Court recorded the statement on behalf of Respondent No.1 therein, in paragraph no.6 of the Order, which reads as under:-

6. During the course of the hearing, Counsel appearing on behalf of the First Respondent has made the following statement on the instructions of the First Respondent who is present in court.

(1)The First Respondent undertakes to this court that, any amounts whatsoever, realised from the estate of the deceased shall be deposited by the First Respondent in the savings bank account opened with ICICI Bank and the First Respondent shall not appropriate any of the aforesaid amounts for his personal purposes;

(2)Petitioner No.1, Chandrakant, shall on the application of the First Respondent be introduced as joint account holder together with the First Respondent in the Savings Bank Account held with ICIC Bank.

(3)Within a period of two weeks from today the First Respondent shall furnish to the Petitioners a full account of the estate of the deceased; of monies realised from the estate and the disbursement and / or drawings therefrom;

(4)The First Respondent shall not alienate or create third party rights in respect of the residential flat at 201, Kailash;

(5)In the event that, any of the Petitioners desire to join First Respondent as Petitioners to the Probate Petition, the First Respondent shall immediately take steps for obtaining necessary orders for implementation.

3. The said Miscellaneous Petition was filed by Chandrakant Premchand Doshi, Deepak Kushalchand Sanghavi and Pravin Sanghavi.

4. Mr. Chandrakant Premchand Doshi has filed an Affidavit dated 7th January, 2025 stating that the directions in paragraph

no.6 of the said Order dated 21st August 2009 had been complied with and that in view of the same this Court can proceed to pass an Order for issuance of probate.

5. A similar Affidavit has also been filed by Deepak Kushalchand Sanghavi.

6. As far as Pravin K. Sanghavi is concerned, he passed away on 28th November 2019. In his case, Affidavits dated 24th September, 2025 have been filed by his wife Vandana Pravin Sanghavi and his children Maulik and Darshana Sanghvi to the effect that the directions in the said Order dated 21st August, 2009 had been complied and that they have no objection to this Court issuing a probate in the matter.

7. In the light of the said Affidavits by the Petitioners and heirs of the Petitioners in Miscellaneous Petition No.5 of 2009, in my view, this Court can proceed further to grant to the Petitioner probate of the last Will and Testament of Shri. Khusalchand Keshavji Sangavi, if otherwise the Petitioner is entitled to the Probate in law.

8. Accordingly, the following Order is passed:-

(a) The Prothonotary and Senior Master of this Court is directed to grant to the Petitioner probate of the last Will and Testament of

Shri. Khusalchand Keshavji Sanghavi, being Will No.51 of 2008, if otherwise the Petitioner is entitled to Probate in law.

- (b) The Interim Application is disposed of in the aforesaid terms.
- (c) There will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]