



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

MISC. PETITION NO. 308 OF 2025
IN
TESTAMENTARY PETITION NO. 1129 OF 2013

Meenakshi Uttam Amarnani

...Petitioner

Versus

Hiro Jhamandas Chandnani and Another

...Respondents

Mr. A. G. Pandit for Petitioner.

Mr. Rajiv A. Jadhav for Respondents.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : FEBRUARY 5, 2026

P. C. :

1. The Petition seeks revocation of grant of letters of administration dated 10th December, 2013 as amended on or about 5th/7th August, 2015 granted by this Court in respect of the property in credits of deceased-Jaya Chandnani who expired on 1st May, 2012. The letters of administration has been granted to the husband and son of the deceased-Jaya who are impleaded as Respondents herein.

2. The Petition sets out the litigation between the parties being Suit No. 603 of 2015 claiming rights in the suit partnership firm. The Petition proceeds on the basis that by virtue of the Letters of

Administration, the Respondent No. 1 is representing himself as Administrator in respect of assets of deceased Jaya. The Respondents have set out 25% share in the partnership firm in the Schedule of Assets of the Testamentary Petition. It is further pleaded in the Petition that no citation was served upon husband of the present Petitioner though his 75% share in the property of the partnership firm of Dimple Enterprises is admitted by Respondents. The Petition pleads that there was partnership between Amarnani and the deceased-Jaya Chandnani and the Respondents have no share in the partnership firm. The deceased husband of present Petitioner had already sent their proportionate share in terms of money after settlement of account of partnership firm as on 1st May, 2012. It is stated that by virtue of the letters of administration, the Respondents are claiming to be the administrator of the asset of the partnership firm and representing themselves as such.

3. Learned counsel appearing for Petitioner submits that the Respondents have filed Suit No. 603 of 2015 in respect of the property of the partnership firm claiming right, title and interest therein, which is pending. He would further submit that it is only upon communication received on 6th April, 2023 from Respondent No. 1 representing himself to be an administrator that the Petitioner became aware of obtaining of letters of administration and third-party application was filed

seeking certified copies. He would submit that as the accounts were settled, the Respondents could not have included the property of partnership firm in the Schedule of Assets.

4. I have considered the submissions and perused the record.

5. The revocation has been challenged on twin ground of citation not having been served and that the Respondents had no right, title and interest in the assets of the partnership firm in respect of which the letters of administration could be claimed. Insofar as the non-service of citation is concerned, it is an admitted position that the Petitioner herein is the wife of the deceased-partner of the deceased-Jaya and not the legal heir of the deceased. Under Section 283 of the Succession Act, 1925, the citation is required to be served upon the parties claiming to have any interest in the estate of the deceased. In the present case, since the Petitioner is not even remotely connected with the deceased Jaya, the Petitioner was not entitled to be cited.

6. Insofar as the contention raised that the Respondents were not entitled to the assets of the partnership firm and could not have included the same in Schedule of Assets, in exercise of Testamentary jurisdiction, it is not possible for this Court to go into the issue of entitlement of parties to the assets of the partnership firm. In order to give a finding as to whether the Respondents in the Testamentary Petition could have included the assets of the partnership firm in

schedule of assets, it would be necessary for this Court to give a conclusive finding as regards the right of the parties in the partnership firm. It is well-settled in exercise of testamentary jurisdiction, this Court cannot go into the issue of title in the properties. The Respondents have already filed civil suit which is pending in this Court, in which the issue of right, title and interest of the parties will be adjudicated.

7. In light of above, there is no case made out for grant of revocation of letters of administration.

8. Resultantly, Miscellaneous Petition fails and stands dismissed.

9. In view of above, nothing survives for consideration in pending Applications, if any filed in present Miscellaneous Petition, and the same stand disposed of.

[SHARMILA U. DESHMUKH, J.]