

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION (L) NO.1986 OF 2026
IN
TESTAMENTARY PETITION NO.3238 OF 2024

Sulbha Shrikant Chitre alias Sulabha Shrikant
Chitre (since deceased through legal heirs) Applicants/
Kaustubh Shrikant Chitre and Anr. .. Petitioners

IN THE MATTER BETWEEN:

Revati Narayan Chitre .. Deceased

Sulbha Shrikant Chitre alias Sulabha Shrikant Org.Petitioner/
Chitre .. Deceased

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- Mr. Suraj Naik a/w. Mr. Pranav Manjrekar, Mr. Rahul Dubey, Mr. Bhagwan Kasture, Ms. Shradha Patil, Advocates i/by Atmaram Patade for Applicant.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 30, 2026

P.C.:

- 1.** Heard Mr. Naik, learned Advocate for Applicant.
- 2.** Testamentary Petition is allowed to be withdrawn with leave and liberty to Applicants / Petitioners-Kaustubh Shrikant Chitre and Minal Shrikant Chitre to file fresh Testamentary Petition.
- 3.** That apart, Testamentary Petition No.8620 of 2025 is also allowed to be withdrawn by said Applicants who would otherwise step into shoes of Petitioners who had filed said Petition.
- 4.** Testamentary Petition No.8620 of 2025 is filed by mother of said Applicants. Unfortunately she has expired in the interregnum

and thus Applicants would be entitled to her property and credits / estate in accordance with law.

5. It is *prima facie* argued by Mr. Naik that original Petition pertains to property and credits of deceased mother-in-law which was filed by mother of Applicants. Mother-in-law expired on 24.11.2020 and in Will she left behind she has bequeathed 51 percent share to mother of Applicants and 49 percent share to her son. Her son who is father of Applicants also expired on 19.03.2021. Thus the husband share of 49 percent be otherwise bequeathed to Applicants. Since Applicants' mother also expired in the interregnum, the present situation has arisen.

6. Both the Petitions namely Testamentary Petition (Lodging) No.8620 of 2025 and Testamentary Petition No.3238 of 2024 cannot be prosecuted together considering the aforesaid devolution of shares of the deceased by virtue by two Wills in question.

7. Mr. Naik therefore persuades the Court to withdraw both the Petitions by allowing impleadment of Applicants in place of Petitioner in Testamentary Petition (Lodging) No.8620 of 2025. That impleadment stands allowed by the Court for sake of convenience that will enable Applicants to file consolidated Petition in respect of property and credits of deceased of mother-in-law as well as their mother.

8. Court fees which has been paid in Testamentary Petition No.3238 of 2024 and challan therein is directed to be adjusted against fresh Petition that shall be filed.

9. Mr. Naik informs that no Court fees was paid Testamentary Petition (Lodging) No.8620 of 2025 in view of the aforesaid facts. If Applicants / Petitioners are entitled to any deduction in view of Government Resolution which has been issued since one of Applicant is daughter of the deceased, the same shall be considered by Department and accordingly Applicant can seek for refund in accordance with law.

10. Testamentary Petition (Lodging) No.8620 of 2025 and Testamentary Petition No.3238 of 2024 are permitted to be withdrawn alongwith liberty granted therein.

11. Amendment for purpose of record is permitted to be carried out within a period of one week from today. Reverification stands dispensed with.

12. Interim Application (Lodging) No.1986 of 2026 is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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