

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

MISC. PETITION IN T AND I J NO. 369 OF 2025

Dr Suresh Shankarlal Joshi .. Petitioner
Vs.
Jagdish Shankarlal Joshi & Ors. .. Respondents

Mr. Bharat H. Mehta for Petitioner/Applicant.
Mr. Prakash Shah i/b Mr. Gopal Parab for Respondent No. 1.
Mr. Devang Parmar for Respondent No. 2.

CORAM : FARHAN P. DUBASH, J.

DATE : 2nd FEBRUARY 2026

P.C.:

1. Pursuant to the order dated 12th January 2026, the Applicant has filed an Affidavit-of-Service dated 31st January 2026. A perusal of this Affidavit would reveal that though service was effected by a registered post on Respondent Nos. 4 and 5, the same has not yet been received by the said Respondents. However, Mr. Bharat H. Mehta, learned Counsel who appears on behalf of the Applicant, states that he has effected service on Respondent Nos. 3, 4 and 5 by his email dated 24th January 2026 which has been addressed to the personal email id's of Respondent Nos. 3, 4 and 5. He states, on instructions that the said email id's are the correct email id's of the said Respondents inasmuch as the same were provided to him by his client who is

the brother of the said Respondents. He further states that the said emails have not bounced back and therefore are deemed to be received by the said Respondents.

2. Considering the above, this Court holds that Respondent Nos. 3, 4 and 5 are duly served. However, despite such service, none appears for Respondent Nos. 3, 4 and 5 today.

3. Respondent No. 1 is stated to be the main contesting party. He has filed his Affidavit-in-Reply opposing the present Misc. Petition and a Rejoinder has since also been filed by the Applicant. Mr. Devang Parmar, learned Counsel who appears on behalf of the Respondent No. 2, submits that Respondent No. 2 supports the Applicant and is not desirous of filing any written reply. The said statement is accepted.

4. Considering the above, place the Petition for hearing on 25th February 2026.

5. All parties shall file and exchange detailed Written Submissions together with citations that they intend to rely upon on or before 18th February 2026.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil