

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 369 OF 2025**

Dr Suresh Shankarlal Joshi

...Petitioner

Versus

Jagdish Shankarlal Joshi

...Respondent

Mr. Bharat Mehta a/w Ms Devangi Mehta for Petitioner.

Mr. Prakash Shah a/w Mr. Gopal Narayan Parab for Respondent No.1.

Mr. Devang Parmar for Respondent No.2.

CORAM : ARIF S. DOCTOR, J.

DATE : 16th JUNE 2026

P.C.

1. This petition seeks revocation of the letters of administration which were obtained by Respondent No.1 in respect of the property in credits of one Shri Shankar Joshi (deceased).

2. I have heard learned counsel for the Petitioner, who points out that the Petitioner is one of the children of the deceased. The deceased, in addition to the Petitioner had five other children, who are the Respondents to the present petition. Despite this fact, he then invited my attention to the Miscellaneous Petition for letters of administration filed by Respondent No.1, i.e, Miscellaneous Petition No.542 of 2003 and pointed out that Respondent No.1 had on solemn affirmation in the said petition stated as follows:

“4. That the said deceased left the Petitioner surviving as his only heir and next-of-kin according to Hindu law the following persons, who are residing at the addresses set out against their respective names.–

Sr.	Name	Age.	Address	Relation
1.	Jadischandra S. Joshi	50 years	As above	son
2.	There is no daughter to the deceased.			

The wife of the deceased predeceased the deceased. The mother of the deceased also pre-deceased the deceased.

5. That the petitioner as son of the deceased claims to be entitled to the 100% share of his estate as there are no other heirs of the deceased entitled to succeed to the said flat.”

3. Learned Counsel for the Petitioner, therefore, pointed out that the said grant have been obtained on the basis of blatant and brazenly false statements made on oath in the Miscellaneous Petition.

4. When called upon to justify this, learned counsel for Respondent No.1 could not. The only submission advanced was one of delay. He submitted that the delay on the part of the Petitioner in approaching this Court for revocation was unexplained. He therefore, wanted me to overlook the absolute fraud played by Respondent No.1 on this Court solely on the ground of delay. I am unable to do so. It is well settled that fraud vitiates everything and what the Respondent No.1 has done is to perpetrate the fraud upon this Court and thereby induced this Court to pass orders to which Respondent No.1 was never entitled to in law. In addition to playing fraud on this Court, it is clear that Respondent No.1 has defrauded his own brothers and sisters, which act in itself is one which needs to be deprecated.

5. Given the conduct of Respondent No.1, it would also be open to the Petitioner to initiate appropriate proceedings for perjury against Respondent No.1, given the blatantly false statement made in the Petition.

6. In light of the above, the Petition is accordingly allowed in terms of prayer clause (a) which reads thus.

"a) that Letters of Administration dated 05.02.2004 as at exhibit - D hereto granted in favour of the Respondent No.1 in Testamentary Petition 542 of 2003 may be forthwith revoked in the interest of Justice;

7. Miscellaneous Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]