

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
(13) INTERIM APPLICATION (L) NO. 1358 OF 2026
IN
TESTAMENTARY PETITION NO. 240 OF 2025

Rajendra Girdharlal Parikh alias Rajendra G. Parikh	.. Deceased
Rasesh Rajendra Parikh	.. Petitioner
Mukesh Rajendra Parikh	Caveator / .. Applicant

WITH
(85) INTERIM APPLICATION NO. 1231 OF 2025
IN
TESTAMENTARY PETITION NO. 240 OF 2025

Rasesh Rajendra Parikh	Applicant .. (Orig. Petitioner)
------------------------	------------------------------------

IN THE MATTER BETWEEN

Rajendra Girdharlal Parikh alias Rajendra G. Parikh	.. Deceased
Rasesh Rajendra Parikh	.. Petitioner

-
- Ms. Mamta Shah, Advocate i/by Mamta Shah & Associate for Applicant in Interim Application No.1231 of 2025.
 - Ms. Vidhi Shah, Advocate for Caveat in Support of Interim Application (L) No.1358 of 2026.

.....

CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 30, 2026.

P.C.:

1. Heard Ms. Mamta Shah, learned Advocate for Applicant in Interim Application No.1231 of 2025 and Ms. Vidhi Shah, learned Advocate for Caveat in Support of Interim Application (L) No.1358 of

2026.

2. Serial Nos.13 and 85 on today's board are heard together.

INTERIM APPLICATION NO.1231 OF 2025

3. Interim Application No.1231 of 2025 is filed for dispensation of objection under Section 229 of the Indian Succession Act, 1925.

4. I have perused the Interim Application.

5. For the reasons in the Interim Application, Interim Application and the conduct of both the Executors therein, Interim Application stands allowed in terms of prayer clause (a).

6. Learned Advocate for the Petitioner informs the Court that once of the Executor namely Sonal Ishwarlal Topiwala has given an Affidavit dated 09.05.2025 renouncing her right to conduct and to take any steps in view of her personal and unavoidable reasons / circumstances. Copy of the same is directed to be filed in the Department. Department is directed to accept the same.

7. Ms. Mamta Shah, learned Advocate informs the Court that in so far as Jatin Hasmukhbhai Topiwala, the second Executor is concerned, he is not traceable because service effected on him has been returned back. Affidavit to that effect has already been filed on record. Department is directed to take the said Affidavit on record.

8. In that view of the matter, Petitioner shall be at liberty to file appropriate Affidavit of any other person who has knowledge about the execution of the grant in accordance with law. Ms. Mamta Shah, learned Advocate informed the Court that Affidavit of attesting witnesses is already been filed. In that case, the same shall be accepted by the Department for further action.

9. Interim Application No.1231 of 2025 is allowed and disposed with the above directions.

INTERIM APPLICATION (L) NO. 1358 OF 2026

10. Ms. Vidhi Shah, learned Advocate appears for Caveators. The Caveator is the son of the deceased. There is a delay of 8 days in filing the Affidavit in support of Caveat dated 14.11.2025 as stated in the Interim Application.

11. I have perused the Interim Application.

12. For the reasons stated in the Interim Application, Interim Application is allowed in terms of prayer clause 'a'. Delay of 8 days stands condoned. Affidavit in Support of Caveat dated 14.11.2025 shall be taken on record by the Registry / Department and Petition No.240 of 2025 alongwith Caveat shall be proceeded further in accordance with law.

13. Interim Application (L) No.1358 of 2026 is disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

AJAY
TRAMBAK
UGALMUGALE
Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date: 2026.01.31
18:50:11 +0530