



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

INTERIM APPLICATION NO. 2893 OF 2025
IN
TESTAMENTARY SUIT NO. 24 OF 2017

Nitin Radheshyam Agarwal

... Plaintiff.

Versus

Kalawati Radheshyam Agarwal

... Defendant.

Mr Divyang Shukla i/by L.T. Rao for Applicant.
Udayan Jain a/w. Creesh Jain and Anay Jain for Plaintiff.
Mr Jainish Jain for Defendant Nos.1 and 2.

Coram : Sharmila U. Deshmukh, J.

Date : March 07, 2026

P.C.:

1. Interim Application has been preferred seeking disclosure on oath of the assets and property forming part of the deceased's assets along with supporting documents, true and correct account of the dealings and inspection of documents relied upon by the Plaintiff in the suit.
2. Learned counsel appearing for the Applicant submits that insofar as inspection is concerned, the inspection is not complete, which is disputed by learned counsel appearing for the Plaintiff relying upon the covering letter recording that the inspection has been given.

3. Insofar as the prayer clause (a) is concerned, the relief sought is clearly misconceived as the Court in exercise of the testamentary jurisdiction is concerned only with the validity and authenticity of the Will of which probate is sought. The issue of any right, title and interest in the property is an issue outside the purview of the testamentary Court and hence the relief cannot be granted.

4. Insofar as the prayer clause (b) is concerned, a blanket relief is sought without mentioning the documents of which inspection was sought and was not given. In the absence of any specific particulars, the blanket relief sought cannot be granted. It is open for the Applicant to communicate with the Advocate for the Plaintiff setting out the documents of which inspection was sought and was not given and in which case the inspection will be given by the learned counsel for the Plaintiff. With these directions, the Interim Application stands dismissed.

[Sharmila U. Deshmukh, J.]