

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.3945 OF 2025
IN
TESTAMENTARY PETITION NO.4317 OF 2024

Kishore Vadilal Shah and Ors. .. Applicants

Nalin Manubhai Kapadia .. Deceased

IN THE MATTER BETWEEN:

Kishore Vadilal Shah and Ors. .. Petitioner

Versus

Hemant Manubhai Kapadia .. Respondent

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- Ms. Sapna Sharma, Advocate i/by Kashar for Applicants /
Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 17, 2026

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Ms. Sharma, learned Advocate for Applicants who is
Petitioner before me.
- 3.** Request is made in the Interim Application which is taken
out in the Petition to the extent that Applicant be permitted to file ITR
Returns on behalf of deceased. The same is contained in the prayer
clause (b) of the Application.
- 4.** Ms. Sharma informs the Court that reply is filed by Caveatrix
who is mother of the deceased to the said Application wherein she has
admitted and not objected and infact stated that to the extent of filing

ITR / Income Tax Return she has no objection whatsoever.

5. In that view of the matter, Interim Application in terms of prayer clause (b) needs to be allowed. However when the matter is called out and argued, Advocate for Caveatrix is not present in Court.

6. Therefore one opportunity is given to the Caveatrix and / or her Advocate to remain present and accordingly apprise the Court about the aforesaid issue.

7. A copy of this order shall be served on the Caveatrix. She is directed to remain present on the next adjourned date. If none is present, this Court will pass appropriate orders in terms of prayer clause (b) allowing Applicant to file Income Tax Return in accordance with law in respect of property and credits of the deceased.

8. Stand over to **21st April 2026**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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