

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION (L) NO. 18245 OF 2024
IN
TESTAMENTARY PETITION NO. 1120 OF 2024**

Milan Bharat Gupta

...Applicant

Versus

Ila Bharat Gupta

...Respondent

**WITH
SUIT NO. 95 OF 2024
WITH
INTERIM APPLICATION NO. 726 OF 2025
IN
SUIT NO. 95 OF 2024
WITH
INTERIM APPLICATION (L) NO. 5254 OF 2025
IN
SUIT NO. 95 OF 2024
WITH
INTERIM APPLICATION NO. 3678 OF 2024
IN
SUIT NO. 95 OF 2024
WITH
CAVEAT NO. 168 OF 2024
WITH
CAVEAT (L) NO. 16131 OF 2024
IN
TESTAMENTARY PETITION NO. 1120 OF 2024**

Note: This order is modified as per order dated 11th March 2025.

Ajit

Mr. Pradeep Thorat a/w Rajesh B. Doshi, Neha R. Doshi i/b Legal Juris for the Applicant in IA(L)/18245/2024.

Ms. Poorva Garg a/w Simon Mascarenhas i/b Mulla & Mulla and Craigie Blunt & Caroe for Respondent No. 1 in IA/3678/2024 and for Applicant in IA/726/2025.

Mr. Vivek Kantawala a/w Amey Patil, Manav Kantawala i/b Vivek M. Sharma for the Caveator in CTS(L)/16131/2024, for the Applicant in IA/3678/2024 & for the Plaintiff in S/95/2024.

Ms. Vidya Nair & Nelly Mehta i/b NMA Legal for the Petitioner in TP/1120/2024.

Ms. Kavita A. Shah for Caveator in CTS/168/2024 & for Defendant No. 4 in S/95/2024.

CORAM : ARIF S. DOCTOR, J.

DATE : 06TH MARCH, 2025

P.C. :

1. Since the parties to the Suit as also the Testamentary Petition are close family members, it was put to Learned Counsel as to whether their clients would be willing to submit their disputes and differences to mediation in an attempt to resolve the same. Learned Counsel, on instructions from their respective clients, submit that their clients are willing to submit their disputes and differences to mediation in an attempt to bring resolution.

2. I, therefore, appoint Justice S. J. Kathawalla, former Judge of this Court to act as sole Mediator in an attempt to bring out the resolution between

the parties. The details of learned Mediator are as follows:

Name : **Justice S. J. Kathawalla**, Former Judge of
Bombay High Court.

Address : 43, Free Press House, 4th Floor, Free Press
Journal Marg, Nariman Point, Mumbai 400
021

Mobile No. : 9619180563

Email ID : skathawalla@gmail.com

3. It is therefore clarified that all the disputes and differences in the Suit and also in the Testamentary Petition shall be gone for resolution before the learned Mediator. Since I am informed that except of Defendant No. 1 the other Defendants were residing in the United States, they shall be appeared before the learned Mediator through video conferencing.

4. On a copy of this order being uploaded, the advocates for the Plaintiff and Defendant No. 1 shall jointly approach to learned Mediator for fixing the schedule of mediation.

5. All the necessary costs, charges and expenses of the Mediator to be borne 50% by the Plaintiff and 50% by the Defendants.

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6. Since the parties have today agreed to submit their disputes and difference to mediation, it is made clear that until the mediation is pending, there shall be no withdrawals/transfers from the account excepts the amounts they are required by Defendant No. 1 in the usual cause.

7. At this stage, Learned Counsel for Defendant No. 2 submit that Defendant No. 2 has also filed a probate petition, in which she has propounded the last Will and Testament of one Bharat Kishore Gupta, who is the husband of Defendant No. 1 and father of the Plaintiff and other Defendants.

8. Learned Counsel appearing on behalf of Defendant No. 1 also submits that Defendant No. 1 is 83 years of age and would have some difficult in appearing before the Mediator. However, in my view, the presence of Defendant No. 1 would be necessary and needless to state that it is up to Learned Mediator how to best ensure the participation of Defendant No. 1 given her advanced age.

9. Learned Counsel for Defendant Nos.1 and 2 submits that they have filed interim applications for condonation of delay in filing their respective written statements and the same shall be taken on record. To this, Learned Counsel for the Plaintiff does not have any objection. Hence, by

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consent, delay in filing the written statements of Defendant Nos.1 and 2 is condoned and the same are taken on record.

10. Interim application No.726 of 2025 and Interim application (L) No.5254 of 2025 are allowed and accordingly disposed of.

(ARIF S. DOCTOR, J.)