

Ajay

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

MISCELLANEOUS PETITION NO. 405 OF 2026

Natwarlal Mohanlal Shah	.. Deceased
Dr. Parul Kailesh Pujary	.. Petitioner
Preeti Natubhai Shah and Sudha Natubhai Shah	.. Respondents

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- Mr. Vyom Shah a/w. Mr. Simon Mascarenhas and Ms. Gauri Kadam, Advocates i/by Mulla & Mulla and Graigie Blunt and Caroe for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2026.

P.C.:

1. Mentioned out of turn.
2. Heard Mr. Shah, learned Advocate for Petitioner.
3. The grievance of Petitioner before me is that Respondent Nos.1 and 2 who are residents of Mumbai and are Executors of the Last Will and Testament of the deceased are derelicting in their duties. They are not taking any steps as informed by Mr. Shah to the Court.
4. He would fairly apprise the Court that Respondent Nos.1 and 2 took some preliminary steps but thereafter abandoned their duties which is to the detriment of the beneficiaries as also to the role of the Petitioner who is the co-executor.

5. Respondents are directed to remain present in Court on the next adjourned date. However one of Respondents appears to be above 90 years old. Hence she is exempted from remaining present in the Court. However, Respondent No.1 shall remain present or appoint an Advocate and apprise the Court whether she and the other Executor intend to take steps in the matter. If there is any difficulty on part of both Respondents to take steps, the same shall be apprised to the Court so that appropriate orders can be passed and Petitioner can be asked to proceed further in accordance with law.

6. One of the grievance expressed by Petitioner is that one of the subject immovable property under the Grant is required to be sold. If the present situation prevails on the next adjourned date, this Court shall direct the Petitioner to take steps regarding sale of the subject property in accordance with law which shall be noted by the Respondents.

7. Copy of this order shall be served on both the Respondents by Mr. Shah forthwith. Appropriate affidavit of service of having served this order shall be filed on the next adjourned date. If it is found that Respondents have been duly served and still if they do not remain present, this Court shall be constrained to pass appropriate orders which shall be noted by the Respondents and they shall be discharged from their duties as Executors.

8. Stand over to 7th May 2026 at 03:00 p.m..

[MILIND N. JADHAV, J.]

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