

*Atul*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY SUIT NO. 60 OF 2013  
IN  
TESTAMENTARY PETITION NO. 1020 OF 2010**

Satish Aurora ...Plaintiff  
*Versus*  
Sunil Kapoor ...Defendant

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**Mr. B.G. Saraf, for the Plaintiff.**  
**Mr. Prasad Shenoy, i/b Ajaykumar, for the Defendant.**

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**CORAM: G.S. PATEL, J**  
**DATED: 26th June 2015**

**PC:-**

1. This is a Petition of 2010 seeking probate of the last Will and Testament dated 3rd October 2003 of one Smt. Manavati Mehra, who died in Mumbai on 8th May 2010. The Petition is opposed by three caveators. Two of these, viz., Sunil Kapoor and Anju Walia are represented by Advocates. The third caveatrix, Neelam Malhotra, is absent and does not seem to have appeared or been represented in the matter.

2. The probate Petitioner, Mr. Satish Aurora, was suffering from cancer. Mr. Saraf, learned Advocate for the Petitioner, was able to complete the evidence on behalf of the Petitioner, including tendering the Petitioner himself for cross-examination. That evidence was completed only very recently, i.e., by the end of May or early June 2015.

3. The Petitioner passed away on 20th June 2015 following his illness.

4. In my view, it would be wholly in the interest of justice if the Petition is allowed to be converted into one for Letters of Administration with Will annexed and the original Petitioner is allowed to be substituted by one of the beneficiaries mentioned in the Will sought to be proved.

5. Given that the Petitioner has passed away only very recently, in order to enable Mr. Saraf to take instructions, list the matter on the supplementary board on 3rd July 2015.

**(G. S. PATEL, J.)**