

Ajay

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

**INTERIM APPLICATION (L) NO. 13445 OF 2024  
IN  
TESTAMENTARY PETITION NO. 2821 OF 2023**

Deepak Ganesh Kadvekar	.. Deceased
Madhavi Deepak Kadvekar	Applicant / .. Petitioner
<b>Versus</b>	
Shakuntala Ganesh Kadvekar alias Uma Prashant Shivalkar	Caveator / .. Respondent

- .....
- Mr. Yogesh B. Dandekar a/w. Ms. Shrushti Vishwakar, Advocates for Original Petitioner.
  - Mr. M.A. Bastivi, Advocate for Caveator / Respondent.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : FEBRUARY 06, 2026.**

**P.C.:**

1. Heard Mr. Dandekar, learned Advocate for Petitioner and Mr. Bastivi, learned Advocate for Caveator / Respondent.

2. One of the grievance of the Caveator who is sister of the deceased is that by virtue of the Grant which is sought for by Petitioner, Petitioner is attempting to usurp the right, title and share of the Caveatrix.

3. Petitioner before me is the wife of the deceased. She has applied for issuance of Grant namely Letter of Administration to

administer the property and credits of the deceased. In the Petition, reference is made to three properties as belonging to the deceased. Grievance of the Caveatrix before me is that one out of the three properties indeed belongs to the deceased and therefore Petitioner would be entitled to that property fully.

4. However according to Caveatrix, remaining two properties which are stated in the Petition do not belong to the deceased as those properties were ancestral properties and Caveatrix being sister of the deceased has her share in the same.

5. Caveatrix before me being the sister of the deceased cannot approach this Court with this grievance in the Caveat and this Court cannot determine the same. The remedy available to the Caveatrix is to approach the appropriate Civil Court and seek appropriate reliefs of partition / share in ancestral properties therein. It is seen that the Caveatrix has filed a Suit in the year 2025 namely on 17.10.2025, it is rather surprising that if the Caveatrix had a share in the ancestral properties then there was no reason for her to wait for all these years until the demise of the deceased and now claim to have a share.

6. Be that as it may, Caveat of the sister of the deceased cannot be countenanced in this case. It will necessarily have to be dismissed, unless the Caveatrix is in a position to obtain an appropriate order from the appropriate Civil Court having original jurisdiction with

respect to her substantive right, entitlement and share in the two subject properties. Mere pleading on paper cannot be accepted by the Court.

7. Learned Advocate for Petitioner informs the Court that the subject properties which are mentioned in the Petition for seeking Grant have come to the share and entitlement of the deceased from his father after due partition was effected. Be that as it may, the Petition is for issuance of grant and it shall be proceeded for in accordance with law.

8. In so far as opposition of the Caveatrix is concerned, the same can only be countenanced if the Caveatrix is able to obtain an appropriate order from the Civil Court. Learned Advocate for Caveatrix informs the Court that in the Suit which has been filed in October 2025, the next date is 16.03.2026. I am giving one final opportunity to the Caveatrix to get an appropriate order. If no order is brought regarding protection of her alleged share on the next date, this Court will have no option than to dismiss the Caveat with liberty to Caveatrix to seek appropriate remedy in the Civil Court.

9. Needless to state the issuance of Grant does not *ipso facto* make the Grantee the owner of the property, if there is a dispute with respect to entitlement to the property, but it is also made equally clear that the dispute that is raised has to be cogent and relevant in the eyes

of law and it has to be raised in the appropriate forum.

10. Stand over to 27<sup>th</sup> March 2026 for orders.

[ MILIND N. JADHAV, J. ]

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