

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

**PETITION NO. 706 OF 2020
WITH
SUIT NO. 118 OF 2021
IN
PETITION NO. 706 OF 2020
WITH
INTERIM APPLICATION (L) NO. 24950 OF 2023
WITH
INTERIM APPLICATION (L) NO. 10677 OF 2022
IN
SUIT NO. 118 OF 2021**

Shailesh Navnitlal Jariwala

...Petitioner

Mr. Doodhnath Saroj, for the Petitioner.

Mr. D. T. Tiwari i/b. R. M. Upadhyay, for the Respondent /
Defendant.

CORAM : MANISH PITALE, J.

DATE : 13 SEPTEMBER 2023

P.C.

. This petition has been filed for issuance of letters of administration with Will dated 27/4/2018. The petitioner is a son of the deceased and he has three sisters, of whom one sister is raising objection while the other two sisters have no objection with regards to the prayer made on behalf of the petitioner.

2. In the petition, the petitioner has filed the instant application, seeking certain reliefs during the pendency of the petition.

3. The learned counsel for the applicant / petitioner submits that notwithstanding the statements made in the petition and reliance placed on the aforesaid Will, in the light of certain circumstances that have arisen, the applicant is ready to take $\frac{1}{4}$ th share in respect of fixed deposits and agrees to his three sisters taking $\frac{1}{4}$ th share each. In the application, it is specifically pleaded that husband of one of the sisters i.e. Meena Manish Shah is suffering from cancer and therefore, there is urgent need of financial support to her. The only sister who is raising objection is Dipika Neelkamal Jaiswal.

4. On the last occasion, this Court found that the stand taken by the applicant appears to be reasonable, at least for issuance of certain ad-interim directions that may assist disbursal of amounts to all the four siblings, particularly when one of the sisters i.e. Meena Manish Shah requires financial assistance for treatment of her husband, who is suffering from cancer.

5. The learned counsel appearing for the objector i.e. Dipika Neelkamal Jaiswal took time to take instructions in the matter. Today, it is reported that said Dipika Neelkamal Jaiswal intends

to change her Advocate and she has not given any instructions in the matter.

6. This Court is of the opinion that even if the properties were to devolve upon the heirs without reference to the Will in question, each one of them would get $\frac{1}{4}$ th share and therefore, considering the urgency projected on behalf of the applicant with reference to his sister Meena Manish Shah, while keeping the present application pending, appropriate directions can be granted in respect of fixed deposits, details of which are given in paragraph 3 of the application.

7. The applicant has specified the details of four fixed deposits lying in the Mercantile Co-operative Bank Ltd. Girgaum Branch. In view of the above, ad-interim direction is issued to the Mercantile Co-operative Bank Ltd., Girgaum Branch to disburse the proceeds from the fixed deposits specified in paragraph 3 of the present application, $\frac{1}{4}$ th each in favour of the applicant Shailesh Navnitlal Jariwala and his three sisters Shobha Navnitlal Jariwala, Meena Manish Shah and Dipika Neelkamal Jaiswal.

8. The application shall be taken up for further consideration on 30/10/2023.

MANISH PITALE, J.