

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.190 OF 2025
IN
TESTAMENTARY PETITION NO.1331 OF 2021

Diwali Jaganath Fumatiya .. Deceased
Vimal Manilal Phumatia @ Fhumatiya and Ors. .. Petitioners
Versus
Ramji Jaganath Fumtiya and Anr. Respondents
.....
• Ms. Sapna Krishnappa, Advocate for Petitioners.
.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 28, 2025

P.C.:

- 1.** Heard Ms. Krishnappa, learned Advocate for Petitioners.
- 2.** Petition seeks revocation of Grant. Grantees have been served but they have refused service. Affidavit-of-service dated 04.06.2025 has been filed. It has also been efiled by Ms. Krishnappa.
- 3.** Today when the matter is called out after Court working hours, none is present for the Grantees.
- 4.** Ms. Krishnappa draws my attention to page No.26 which is family tree of the deceased. The name of the deceased are Jagannath Bheema Fumatiya who expired on 26.07.1997 and his wife Diwali Jaganath Fumatiya who expired on 21.02.2017.
- 5.** They are survived by three sons and three daughters.

However after their demise, Petition for grant was filed by one son namely Ramji J. Fumatiya and son of deceased brother of Ramji namely Shantilal J. Fumatiya without disclosing the names of the other legal heirs and Grant was obtained. In the Petition seeking Grant names of Manilal and three daughters namely Shanta, Champa and Dalibai were not disclosed and hence clear suppression is observed as argued by Ms. Krishnappa.

6. My attention is drawn to page No.31 which is the requisition made by Testamentary Department dated 15.09.2021 wherein it is clearly gathered that names of other legal heirs of deceased were not disclosed by the original Petitioners and all that was disclosed was that the deceased expired leaving behind his widow and two sons and it was stated that he had no daughters.

7. *Prima facie*, the said submission is contrary to the details which are now averred in the Petition seeking revocation.

8. Copy of this order shall be served afresh once again rather attempt shall be made to serve it on the Respondents by any permissible mode of service. Affidavit-of-service shall be filed.

9. In the event if the same position prevails on the next date, this Court will have to consider the submissions made by Ms. Krishnappa on behalf of Petitioners for revocation of Grant on its own merits and pass appropriate orders.

10. Respondents are directed to remain present on the next adjourned date.

11. Stand over to 19th December, 2025.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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