

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY COMPLAINT NO. 1 OF 2020**

***In re:** Complaint in Testamentary Matter No. 1 of 2020, dated 15th February 2020 by Advocates Mr Umesh Vasant Mohite (Mobile No. 99203 29091 and Advocate Ms Hetal Arvind Pandya (Mobile No. 90965 51625)*

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**Mr Umesh Vasant Mohite, Advocate, is present.**  
**Ms Hetal Arvind Pandya, Advocate, is present.**  
**Mr Yogesh Rane, Registrar (Inspection), is present.**  
**Mr AJ Mantri, Registrar (Vigilance), is present.**  
**Mr Kiran Bobde, Deputy Registrar (IT), is present.**  
**Mrs Chandan Bhatt, Company Registrar, is present.**  
**Mr MR Rawal, Associate, is present.**

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**CORAM: G.S. PATEL, J.**  
**DATED: 15th February 2020**

**PC:-**

1. My attention is drawn by the learned Advocates who have filed the complaint to a very serious situation. I was informed of this at about 2.00 pm on Saturday, 15th February 2020. On being informed on the telephone, I attended my Chambers in Court specifically to look into the matter.

2. Given the urgency, I have made this order on a handwritten complaint by Advocates Mr Umesh Vasant Mohite and Advocate Ms Hetal Arvind Pandya. This handwritten complaint will be replaced by a formally typed complaint by Monday afternoon. The handwritten complaint is allowed to be registered. It is to be retained on file.

3. Annexed to the Complaint is a document purporting to be an order I passed on 1st December 2019.

4. The entire document is a forgery. There is no such order. There are several reasons for this. One, the document purports to be an order in the High Court's Ordinary Original Civil Jurisdiction 'In Its Revenue and Property Division'. There is no such Division. It purports to be in a Commercial Succession Petition (L) No. 23520 of 2019. There is no such proceeding and there could be no such proceeding as a "Commercial Succession Petition". There is no Testamentary Petition with a five-digit lodging number.

5. The entire formatting of the documents, including the fonts, the line spacing etc, is not in the manner in which I make my orders. There is no footer of the date and page number which is my invariable practice for the last several years.

6. The document purports to be made on 1st December 2019. That was a Sunday. No such order could ever have been made.

7. The header reads '909-CARBPL1501-19-C.DOC'. There could have been no such order on 1st December 2019 (a Sunday).

8. There was Commercial Arbitration Petition (L) No. 1501 of 2019 (IREP Credit Capital Pvt Ltd v Tapaswi Mercantile Pvt Ltd & Anr) but it was listed at Serial No. 909 on 20th December 2019 when I did make an order. That order of 20th December 2019 was uploaded on 23rd December 2019.

9. In fact, the order of 20th December 2019 was first uploaded on 21st December 2019. It was reportable. I noticed suo motu some errors and I, therefore, directed that the already uploaded order should be replaced with a corrected order. This is the reason that the file name in the header contains the insertion "-C" so that my staff and I can identify this as the corrected order.

10. Since the offending document uses this very file name '909-CARBPL1501-19-C.DOC', it necessarily follows that though allegedly dated 1st December 2019, the offending document could have been generated or fabricated only after 23rd December 2019.

11. There are other glaring indicators of this document being fabricated, forged and got up. Paragraph 9 of this document copies a phrase from one of my orders 'I will set out all the prayers' but without the font that I use and without appropriate punctuation. There are typographical errors in paragraph 9C ('fled' instead of 'filed'). Paragraph 'C' itself is incongruous in the context of an

alleged testamentary action because it calls for an Affidavit of Disclosure of assets.

12. Paragraph 4 makes no sense whatsoever and reads thus:

“4. The respondent being deceased cannot be brought to the house of court under the said date of December the 1st, 2019 under due clause of judgement. The appeal stands suspended.”

13. Paragraph 3 also makes no sense and reads thus:

“3. The Respondent (“Mitesh Goradia”) was an individual and deceased in a car crash road accident at a lane in Ghatlopar, Writ Petition 23781 under Indian Penal Code, Registered at Greater Bombay Police District.”

14. The disturbing part is that this order is evidently sought to be used in respect of two term deposits mentioned in paragraph 5(1) and 5(2). Even that paragraph makes no sense but I am quoting it below only to identify the bank term deposits:

“5. The respondent holds fixed term deposits namely

1. Indian Bank Term Deposit with maturity value INR 25 lacs under account number 6163089128, signed as non transferable.

2. Bank of Baroda Term Deposit with Maturity value INR 26 lacs under account number 03950300075810, signed non transferable with nominee as Varsha S Goradia. Varsha S Goradia declared as claimant is said to have relationship of mother with the respondent.”

15. Paragraph 6 also makes no sense and reads thus:

“6. Varsha S Goradia, mentioned in Clause 5, Sub Clause 2, died and is proved dead by the unanimous bench of the High Court based on the death certificate issued by the Birth and Death Department of the MCGM.”

16. The purpose of this forgery is evident from paragraph 7 because it seeks to create rights in favour of the so-called Petitioner, Mr Satishchandra Goradia and it seeks to make him the heir in respect of the two term deposits mentioned above.

17. Satishchandra Goradia died just 15 days ago. This order was brought to the notice by the learned Advocates, Mr Umesh Vasant Mohite and Advocate Ms Hetal Arvind Pandya by Mr Parth Goradia, grand nephew (Satishchandra’s brother’s son’s son). Parth states that he obtained this document from his father, and that his father in turn obtained it from one Mr Ashok Vageriya. On enquiries with my Chamber staff today present in Court, we find that there is no Advocate Ashok Vageriya registered with an Advocate’s code in this Court’s system or records, nor is there a registered Clerk of any such person. The Complainants have enquired with Parth (Mobile No. 96994 68858) and he has provided the mobile number of Mr Ashok Vageriya as 98333 59527. This is noted.

18. Apart from requiring certain steps to be taken on the Administrative or Technical side, in respect of the water mark and the digital signature, I will require the Registrar (Legal & Research) to immediately:

- (a) Take appropriate proceedings including under Section 340(3)(a) and Section 195 of the Criminal Procedure Code, 1973, if necessary against person/s unknown;
- (b) Write to the Indian Bank and Bank of Baroda at their respective Head Offices mentioning the two term deposits, namely,
- (i) Term Deposit under Account No. 6163089128 with Indian Bank of Rs. 25 lakhs; and
- (ii) Term Deposit Account No. 03950300075810 with Bank of Baroda of Rs. 26 lakhs.

With a request to put a freeze or lock on any encashment or transactions for both Term Deposits without a specific order of this Court in a proper proceeding and, only to act in respect of these two accounts on the basis of a certified copy of a Court order made in a proceeding to which both Indian Bank and Bank of Baroda are specifically joined as parties. This is clearly a precautionary measure in order to ensure that the estate is not put to loss.

- (c) Summon before himself Mr Ashok Vageriya (Mobile No. 98333 59527) and Mr Parth Goradia (Mobile No. 96994 68858) for an explanation as to this document.

19. Finally I must note that such an order could never have been passed by me in any Succession Petition because testamentary matters were not even within my sitting assignment in December 2019.

20. There is one other disturbing aspect that requires an internal investigation. The physical copy of the document attached to the complaint does not have the usual footer of the date and time stamp generated by the system mentioning when orders of this Court are uploaded and downloaded. This date and time stamp appears whenever the High Court website order section is accessed from outside the High Court computer network. When an order previously is accessed from the terminal of any PA/PS there is no date and time stamp and there is also no watermark. When a previously uploaded order is accessed from a terminal in a Court Room, the watermark is visible but the date and time stamp is not. It may therefore be possible that the entire document was fabricated using some Court Room terminal. This needs to be investigated. I may note that my own staff has brought this to the attention of the Registry several times in the past.

21. There is no manner of doubt that the entire document is not only a forgery but a clumsy one.

22. The Registrar / Prothonotary and Senior Master of this Court is requested to obtain necessary Administrative directions from the Hon'ble The Chief Justice in regard to further follow-up and to which Court such follow-up should be assigned.

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