

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

TESTAMENTARY SUIT NO. 45 OF 2012

IN

TESTAMENTARY PETITION NO. 479 OF 2011

Mohammed Tanweer Ahmad ...Plaintiff

Versus

Horace Joseph Pereira ...Defendant

WITH

INTERIM APPLICATION NO. 2194 OF 2026

IN

TESTAMENTARY SUIT NO. 45 OF 2012

Ms. Uttara Sarkar (through V.C.), for the Plaintiff.

CORAM : ARIF S. DOCTOR, J.

DATE : 31st AUGUST, 2026

P.C.

1. This Court had, on 29th April 2026, passed the following order:

"1. The earlier record indicates that the learned counsel appearing for the Defendant has obtained discharge.

2. Registry is directed to issue notice to the Defendant calling upon him to make alternate arrangement, failing which the caveat filed by the Defendant would be discharged by the Court on the next occasion. Stand over to 18th June, 2026."

2. The Court record shows that notice has been duly served upon the Defendant. Despite which, today none has appeared. Hence, in terms of the aforesaid order, this Court has little choice but to discharge the caveat. The

caveat is accordingly discharged. Accordingly, the Suit will now stand converted into a Testamentary Petition.

3. Learned counsel for the Plaintiff submits that Plaintiff's evidence is ready.
4. List the Testamentary Petition on **7th September 2026** for direction.

[ARIF S. DOCTOR, J.]