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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 24 OF 2006
IN
TESTAMENTARY PETITION NO. 518 OF 2003**

Narindas Vensimal Harjani	...Plaintiff
<i>Versus</i>	
Chandiram Vensimal Harjani & Ors.	...Defendants

Mr. Mehul Shah, for the Plaintiff.
Mr. Karl Tamboly, i/b M/s. Harish Joshi & Co., for the Defendants.

CORAM: G.S. PATEL, J
DATED: 15th January 2015

PC:-

1. The sole Plaintiff in this probate action passed away on 28th October 2014. A probate was sought to the Will said to have been left by the Plaintiff's father. None of the heirs of the deceased or of the Plaintiff, who might have had any interest in the estate of the deceased, have yet come forward with an application to convert this action into one for Letters for Administration with Will annexed.

2. Clearly, in view of the decision of the Division Bench of this Court in the case of *Thrity Sam Shroff v Shiraz Byramji Anklesaria*,¹ the Suit and the Petition both abate.

3. The Testamentary Suit No. 24 of 2006 and the Testamentary Petition No. 518 of 2003 are dismissed as abated.

(G. S. PATEL, J.)

¹

AIR 2007 Bom 103 : 2007 (2) Bom.C.R. 560