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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 67 OF 2011
IN
TESTAMENTARY SUIT NO. 16 OF 2011
IN
TESTAMENTARY PETITION NO. 1043 OF 2009**

Lalitha S. Samuel

...Plaintiff /
Petitioner

Versus

Miriam G. Samuel

...Defendant

None, for the Plaintiffs.

Ms. Swati Raul, i/b Mrs. Uma Wagle, for Defendant.

CORAM: G.S. PATEL, J

DATED: 5th January 2015

PC:-

1. The Plaintiff has been persistently absent. This matter has been called several times earlier. The Roznama shows that although the advocate for the Applicant appeared on 21st July 2014 they remained absent thereafter. None were present on 13th November 2014 and again on 26th November 2014. Although this is the first day after the recent Christmas Vacation, I see no reason the matter

should be kept pending in this fashion. The matter was called out in the morning. None appeared for the Plaintiff. It was then kept back and called out at 3.00 p.m. None appears for the Plaintiff even on this second call.

2. The Notice of Motion dismissed with no order as to costs.

(G. S. PATEL, J.)