

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 94 OF 2015
IN
TESTAMENTARY PETITION NO. 190 OF 2015**

Smt. Nandini Umesh Bhat	...Applicant
<i>In the matter of</i>	
Smt. Meera Yogesh Kini	...Petitioner
<i>Versus</i>	
Smt. Nandini Umesh Bhat	...Proposed Respondent

Ms. Sneha Prabhu, with Mr. Som Sinha, for the Applicant.
Mr. Suresh Dubey, for the Petitioner.

CORAM: G.S. PATEL, J
DATED: 21st August 2015

PC:-

1. Mr. Dubey for the Petitioner is possibly correct in pointing out that this Chamber Summons by the Applicant suffers from what he describes as a fatal overenthusiasm. The Applicant seeks to be joined as a Respondent to the Petition. She is yet to be served with a citation. She is named as one of the heirs in the Petition itself. Ms. Prabhu for the Applicant says that the Petitioner appears to have received a copy of the Petition but not the citation itself. As

and when a citation is served, and Mr. Dubey states that it will indeed be served in the fullness of time, the Respondent will have an adequate opportunity to enter a Caveat and Affidavit in Support of it in accordance with our Rules. Since the Applicant is personally served, Ms. Prabhu on instructions states that she is authorised to accept service of the citation on behalf of her client, and she waives personal service on the Applicant. So noted and ordered. Mr. Dubey will serve the Applicant's Advocate with the citation as soon as it is got issued. On the Applicant then filing and serving her Caveat and Affidavit in Support in accordance with the Rules (or within such enlarged time as may be permitted by the Court), the Petition will be renumbered as a suit and will proceed accordingly.

2. In this view of the matter, the Chamber Summons is allowed to be withdrawn with no order as to costs.

(G. S. PATEL, J.)