

ATUL

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
NOTICE OF MOTION NO.18 OF 2010  
IN  
TESTAMENTARY SUIT NO.16 OF 2010  
IN  
TESTAMENTARY PETITION NO.961 OF 2009**

|                                       |              |
|---------------------------------------|--------------|
| Smt. (Dr.) Sangita Pradipkumar Magade | ...Plaintiff |
| <i>Versus</i>                         |              |
| Mrs. Mangala Madhukar Kasbe           | ...Defendant |

None present.

CORAM: G.S. PATEL, J  
DATED: 20th June 2016

**PC:-**

1. This is the Plaintiff's Notice of Motion to discharge the Caveat. None appears for the Plaintiff.
  
2. The Affidavit in Support of the present Notice of Motion is directed against the Caveat filed by Mrs. Mangala Madhukar Kasbe. This Mangala says that she is the step-sister of the deceased. The Petition is for Letters of Administration to the property and credits of one late Mr. Pradipkumar Vishnu Magade. The deceased's

mother is alive. Her name is Akkabai. She too has filed a Caveat. Even if Mangala's Caveat is disputed, it would make no difference to the action as Akkabai's Caveat is very much there. The prayers in the Notice of Motion proceed on the basis that upon discharge of Mangala's Caveat, the Petition would proceed uncontested. This is incorrect as the deceased's mother Akkabai has also filed a Caveat.

3. For these reasons, the Notice of Motion is dismissed with no order as to costs.

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