

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO.16 OF 1999
IN
TESTAMENTARY PETITION NO.49 OF 1999**

Mr. Sudhakar Vasudeo Patil ...Plaintiff

Versus

Vandana H. More and Another ... Defendants

Mrs. Gouri Kale, with Ms. Bhakti A. Sutar and Ms. Sonali P. Kunekar for the Plaintiff.

Mrs. Vandana More, for the Caveator present.

CORAM: G.S. PATEL, J

DATED: 22nd July 2016

PC:-

1. Mrs. Vandana More, one of the Caveators, is personally present in Court. I was informed that she was withdrawing her Caveat. I was not in the least satisfied by this. One look at Mrs. More and it was obvious that she was thoroughly intimidated and confused by her surroundings, and that she had a very little idea of what was happening. I sent a request for a Marathi speaking Translator to attend Court. Mr. Vinayak Milind Redekar, Junior Translator & Interpreter attended Court in response.

2. Mrs. More is in the witness box. She is shown the original of her Affidavit dated 3rd March 1999 in support of the Caveat that she filed. This Affidavit was sworn before the Deputy Chief Translator & Interpreter, High Court, Mumbai and interpreted in Marathi to her by N. S. Chitnavis. The Affidavits bears a signature. Mrs. More says that she does not know how to sign. She has never signed. It was the 1st Defendant, Mansi, who, according to her, held her hand and forced her to sign this Affidavit. Mrs. More says that she only uses a thumb impression and never signs. Mrs. More also says that she has never engaged any Advocate.

3. I am not prepared to discharge her Caveat merely on this statement without further enquiry after a detailed explanation to Mrs. More of what this matter is about. I will not take any steps that might prejudice her.

4. I offered Mrs. More the option of returning to Court on another day. She says that that would be very difficult as she has back trouble and has to travel a great distance. She asks that whatever needs doing be done now.

5. Mrs. More is administered oath.

1.	To Court:	Can you tell me who Mahesh Vasudeo Patil, Smt. Ahilyabai Vasudeo Patil and Mr. Sudhakar Patil were?
	Ans.	Mahesh was my brother, Ahilyabai was my mother and Sudhakar is my other brother.

2)	To Court:	Do you know what happened to the estate of your brother, Mahesh?
	Ans.	I am not exactly sure. However, I do not want any part of it.
3)	To Court:	Have you ever had a dispute with your mother, Ahilyabai or brother, Sudhakar about Mahesh Patil's estate?
	Ans.	No. Never.
4)	To Court:	Have you ever filed any proceedings in any Court against your mother, Ahilyabai or your brother Sudhakar?
	Ans.	No. Never. Sudhakar looks after me.

6. It is obvious that the Caveator, Mrs. Vandana More, has been put up by the Caveator, Mansi, who has passed away. It is not possible to continue a contest on Mrs. More's behalf. She is clear that she does not wish to continue with these proceedings in any form.

7. Her Caveat is discharged. The other Caveatrix has passed away. The Petition is, therefore, uncontested and will be dealt with as such by the Registry.

(G. S. PATEL, J.)