

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO.80 OF 2016
ALONG WITH
NOTICE OF MOTION NO.116 OF 2016
IN
TESTAMENTARY PETITION NO.299 OF 2013**

Mrs. Suman Raghunandan Kulkarni ...Applicant

Manoj Anant Kulkarni ...Petitioner

Ms. Jannat K. Yadav, *for the Applicant.*

CORAM: G.S. PATEL, J
DATED: 6th June 2016

PC:-

1. The Chamber Summons seeks to bring on record the Applicant, one Suman Raghunandan Kulkarni, as the only surviving heir of the deceased, Anant Raghavendra Kulkarni. It seems that Anant Kulkarni was survived by two sons, Manoj and Raghunath. Manoj was the original Petitioner in this Petition for a Succession Certificate. Raghunath had passed away earlier. Now Manoj has also died. He was unmarried. Raghunandan's widow Suman is thus the only surviving heir of the deceased Anant. Although the Chamber Summons should be allowed straight away, there is also a pending

Notice of Motion No.116 of 2016. That Motion is for restoration of the Petition which was dismissed for default.

2. At the request of the learned Advocate for the Petitioner, Notice of Motion No.116 of 2016, though not on Board, is taken on Board and called out for final hearing. The matter is uncontested.

3. For the reasons set out in the Affidavit in Support, the Notice of Motion is made absolute in terms of prayer clause (a). The Petition is restored to file.

4. In the facts and circumstances of the case, the Chamber Summons No.80 of 2016 is also made absolute in terms of prayer clause (a).

5. Amendments to be carried out on or before 17th June 2016 with no possibility of an extension of time.

6. Registry to proceed accordingly.

(G. S. PATEL, J.)