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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 91 OF 2016**

IN

CAVEAT NO. 81 OF 2015

IN

TESTAMENTARY PETITION NO. 1846 OF 2014

Prakash Laxman Shikhare

...Petitioner

Versus

Vithabai Jagannath Kamble & Another

...Respondents

Mr. Rajesh S. Desai, *for the Petitioner.*

Mr. Avikkal Rajan, *for the Applicant.*

CORAM: G.S. PATEL, J

DATED: 6th June 2016

PC:-

1. The Notice of Motion seeks revocation or recall of a conditional order passed by the department on 29th October 2015. That order require the Caveators to remove office objections within four weeks and in default the said Caveat will stand rejected.

2. Whatever may be the circumstances regarding the death of one of the two executors, the fact is that today the grant has already been issued.

3. This Notice of Motion, therefore, does not survive. It will be open for the Caveators to file, if permissible, a suitable proceeding for revocation of the grant on making out an appropriate case. That relief cannot be granted in an indirect manner now by allowing a recall of the departmental order which was prior to the issuance of the grant.

4. The Notice of Motion is dismissed with the above observations. There will be no order as to costs.

(G. S. PATEL, J.)