

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 101 OF 2016
IN
TESTAMENTARY SUIT NO. 208 OF 2015
IN
TESTAMENTARY PETITION NO. 788 OF 2015**

Pradip Hira Sadarangani	...Plaintiff
<i>Versus</i>	
Mala Shenoy	...Defendant

Mr. M.S. Bhandari, *i/b Ms. Khushbu V. Prabhu, for the Applicant.*
Mr. A.S. Khandeparkar, *i/b Warerkar & Warerkar, for the*
Defendant.

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

PC:-

1. The Caveator does not challenge the due execution of the Will or the testamentary capacity of the testatrix.
2. Mr. Khandeparkar for the Caveator has instructions to withdraw the Caveat, which is accordingly dismissed as withdrawn.
3. The Caveator is personally present in Court.

4. In view of this Notice of Motion which is for discharge of Caveat is infructuous and does not survive.
5. All contentions in regard to the shares of the parties are expressly kept open for determination *inter alia* in Suit No. 881 of 2014.
6. The Petition will now proceed. The Registry is directed to issue probate.
7. All concerned to act on an authenticated copy of this order.
8. The department is not to insist hereafter on proof of service of citations since the Caveat is already filed and has already been discharged. Drawn up order discharging the Caveat is dispensed with.

(G. S. PATEL, J.)