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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 119 OF 2016
IN
TESTAMENTARY PETITION NO.1143 OF 2015**

Anita Mohan Vaswani & Another	...Plaintiffs
<i>Versus</i>	
Neena Indru Thadani	...Caveator

Mr. Shrinivas Bobde, *with Ms. Rita Shroff, i/b M/s. K.V. Chheda & Co., for the Applicant.*

CORAM: G.S. PATEL, J
DATED: 19th December 2016

PC:-

1. Heard. The Notice of Motion is served.

2. Mr. Bobde correctly points out that there is absolutely no challenge at all to the Will in the Affidavit in Support of the Caveat. Indeed, I find in paragraph 7 that the Caveator has said

“I have filed this Caveat and Affidavit in Support of the Caveat so that the said Will may be proved in solemn form”.

This is an unequivocal acceptance and validation of the Will in question. There is no dispute raised in the Will about the execution of the testamentary document or about the Testator's testamentary capacity.

3. In this view of the matter, the present Notice of Motion succeeds. It is made absolute in terms of prayer clauses (a) and (b). The Caveat stands discharged. The Petition will proceed as an uncontested Petition for grant of Letters of Administration with Will annexed.

(G. S. PATEL, J.)