

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 51 OF 2013

IN

TESTAMENTARY SUIT NO. 82 OF 2014

IN

TESTAMENTARY PETITION NO. 254 OF 2013

Osborne Cecil Lamond

...Plaintiff

Versus

Rusi Burjorji Master & Another

...Defendants

Mr. Prashant Tikare, i/b Ms. Zenobia Irani, for the
Applicant/Defendants.

Ms. Sejal Shah, i/b Mr. Sandeep Manubarnwala, for the Plaintiff.

CORAM: G.S. PATEL, J

DATED: 29th August 2016

PC:-

1. The Notice of Motion is misconceived. It seeks dismissal of the Petition on the ground that the Testatrix lacked the necessary testamentary capacity. That is an issue that is squarely raised and framed in the probate proceedings. No Notice of Motion is required for this purpose.

2. The Notice of Motion is dismissed.

(G. S. PATEL, J.)