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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.577 OF 2009
WITH
MISCELLANEOUS PETITION NO.119 OF 2011
with
CHAMBER SUMMONS NO.160 OF 2011**

Zarina Latif Qureshi	...Petitioner
<i>Versus</i>	
Hariyamben Amadabhai Amroniya	...Respondent

Ms. Kruttika Pokale, i/b M & M Legal Venture, for the Petitioner.
Mr. Pravin Patel, for the Intervenor.

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

PC:-

1. The noting on the board is incorrect. There is no Chamber Summons numbered as 160 of 2011 in this matter. There was a Notice of Motion in this matter by No. 160 of 2011. It was disposed of by an order dated 13th December 2010. Chamber Summons No. 161 of 2011 has already been disposed of. There was also Chamber Summons No. 70 of 2011. This has also been disposed of. A statement is made that an Appeal has been filed against the order of 17th February 2012 disposing of Chamber Summons No. 161 of

2011. That was a Chamber Summons seeking intervention. It was filed by one Mariyamben. She has since passed away. The learned Advocate for the Appellant/Applicant seeks time to take instructions.

2. However, it appears that the Miscellaneous Petition No. 119 of 2011 in which Mariyamben sought intervention was itself disposed of by a detailed judgment dated 25th July 2012 (R.S. Dalvi, J.). I am informed that Appeal (L) No. 586 of 2012 was filed against the order in Miscellaneous Petition. On 17th September 2012, that Appeal was unconditionally withdrawn and disposed of as such.

3. The consequence is that even if Mariyamben or her heirs succeed in the Appeal, this will be entirely futile because the base proceeding, the Miscellaneous Petition, itself has already been disposed of.

4. The Testamentary Petition itself was also disposed of by grant of probate issued on 4th September 2009.

5. In this view of the matter, nothing survives in this matter.

(G. S. PATEL, J.)