

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 190 OF 2016
AND
NOTICE OF MOTION NO. 189 OF 2016
AND
NOTICE OF MOTION NO. 188 OF 2016
IN
TESTAMENTARY PETITION NO. 498 OF 2015**

Kutubddin s. Abbasbhai Tambawala	...Petitioner
<i>And</i>	
Abbasbhai Fidahusain Tambawala	...Deceased

Mr. Uzair Kazi, *a/w Waquar Ahmad, i/b Waquar Ahmad, for the Applicant in all Notices of Motion.*
Ms. Sneha P. Nair, *i/b Sai Consultancy Services, for Indian Overseas Bank.*

CORAM: G.S. PATEL, J
DATED: 26th September 2016

PC:-

1. There was an ad-interim order dated 18th July 2016. The three fixed deposits in banks that are the subject matter of these three Notices of Motion and which stood in the name of deceased

were directed to be brought in the Court. This has been done. Thus the Notices of Motion have been worked out.

2. The 2nd Respondent claims that there is a Will in his favour made by the same deceased in respect of his estate. The 2nd Respondent has filed a Probate Petition. Clearly that Probate Petition will need to be tried first. However, it seems that the 2nd Respondent's Advocate passed away recently and the 2nd Respondent is yet to appoint a new Advocate.

3. Testamentary Petition No. 525 of 2015 is pending. It is contested. Caveats have been filed.

4. List the Testamentary Petition No. 525 of 2015 along with Testamentary Petition No. 498 of 2015 for directions on 21st October 2016.

5. The question of who is entitled to the amounts of these fixed deposits will be decided at the final hearing of the Testamentary Suits.

(G. S. PATEL, J.)