

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 154 OF 2016
IN
TESTAMENTARY PETITION NO. 309 OF 2016
WITH
CAVEAT NO. 243 OF 2016
AND
TESTAMENTARY PETITION NO. 1456 OF 2015**

Kavita Jamnadas Chimnani	...Plaintiff
<i>Versus</i>	
Rajiv Jamnadas Chimnani	...Defendant

Ms. Kavita J. Chimnani, *Plaintiff, in person.*
Mr. Rajiv J. Chimnani, *Defendant in person.*

CORAM: G.S. PATEL, J
DATED: 2nd December 2016

PC:-

1. The Defendant appears in person. He is the brother of the Plaintiff. He states before me that he does not wish to pursue his Caveat and seeks leave to withdraw it. The Plaintiff appears in person and she is present as well.

2. The Defendant's Caveat is dismissed as withdrawn. The Suit is, therefore, decreed and the Petition will proceed as an unopposed Petition for Letters of Administration with Will annexed.

3. I am making it clear that I have not by this order discharged the Defendant's Advocate. I have taken up this matter at the joint request of both parties and since the Defendant does not ordinarily reside in Mumbai and has himself specifically requested that he be allowed to withdraw his Caveat.

TESTAMENTARY PETITION NO. 1456 OF 2015:-

4. The Defendant's Testamentary Petition No. 1456 of 2015 for Succession Certificate is also dismissed as withdrawn at the request of the Defendant.

5. Refund of court fee, if any, in accordance with the Rules.

6. All concerned to act on an authenticated copy of of this order.

(G. S. PATEL, J.)