

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 207 OF 2016**

IN

THIRD PARTY APPLICATION FOR C.C. NO. 193 OF 2015

IN

TESTAMENTARY PETITION NO. 410 OF 1978

Vithaldas Laxmidas

...Plaintiff

Versus

Arvin Parikh

...Third Party

Mr. Ravi Gadagkar, i/b I V Laxman, for the Applicant.

Mr. Sachin Chandarana, i/b M. K. Ambalal & Co., for Respondent.

CORAM: G.S. PATEL, J

DATED: 5th October 2016

PC:-

1. Heard Mr. Gadagkar for the Applicant, the purchaser from the probate Petitioner of certain properties. The Applicant sought a Certified Copy of the Records and Proceedings in the Testamentary Petition No. 410 of 1978 and also a Certified Copy of the Probate.

2. For the reasons that are not only unclear but are conspicuous by their absence, the Prothonotary & Senior Master seems to have

thought it necessary to allow only issuance of Certified Copies of Records and Proceedings but not of a Certified Copy of the Probate.

3. I have no idea why.

4. The very least that I except is that when an order is passed by an officer of the Registry, some reasons, however brief, must appear in that order. Mr. Gadagkar is correct that the order cannot be sustained.

5. The order of the Prothonotary & Senior Master is set aside to the extent it disallows issuance of a certified copy of the Probate. As a result, the Third Party Application for C.C. No. 193 of 2015 is restored to file, withdrawn to this Court, made returnable forthwith and made absolute as prayed. The Registry is directed to immediately issue on priority basis a Certified Copy of the Probate in Testamentary Petition No. 410 of 1978.

6. There will be no order as to costs.

(G. S. PATEL, J.)