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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 135 OF 2015
IN
TESTAMENTARY SUIT NO. 84 OF 2005
IN
TESTAMENTARY PETITION NO. 270 OF 2004**

Ignatius Simon D'Souza ...Plaintiff
Versus
Alfred S/o. Isabel Simon D'Souza & 2 Others ...Defendants

Ms. Sneha Prabhu, i/b Som Sinha, for the Applicant.
Mr. S.G. Walam, for Defendant No. 1.

CORAM: G.S. PATEL, J
DATED: 7th June 2016

PC:-

1. Heard.
2. For the reasons set out in the Affidavit in Support, the Notice of Motion is made absolute in terms of prayer clause (a). The order dated 7th January 2015 is recalled and set aside. Testamentary Suit is restored to file.

3. The 3rd Defendant has, in the meantime, passed away. Leave to amend to bring 3rd Defendant's heirs and legal representatives on record. Amendment to be carried out on or before 24th June 2016.
4. List the Suit for framing issues on 4th July 2016.
5. The Notice of Motion is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)