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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 110 OF 2013
IN
TESTAMENTARY SUIT NO. 29 OF 2013
IN
TESTAMENTARY PETITION NO. 1311 OF 2013**

Bharat Amratlal Bhagat Alias B.A. Bhagat ...Plaintiff
Versus
Ranjana Ramesh Jethwa ...Defendant

Mr. Zain Mookhi, *with Ms. Shikha Raniwala, i/b Mansukhlal
Hiralal & Co., for the Plaintiff.*
Mr. Anand Kumar, *for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 21st June 2016

PC:-

1. This is the Defendant's Notice of Motion seeking an order of restraint against the Plaintiff from dealing with the estate of the deceased. In view of the binding decisions of this Court in *Rupali Mehta v Smt. Tina Narinder Sain Mehta*,¹ *Ramchandra Ganpatrao Hande alias Handege v Vithalrao Hande and Ors.*,² and *Manek Dara*

1 2006 (6) Bom.C.R. 778

2 2011 (4) Bom.C.R 326

Sukhadwalla v Shernaz Faroukh Lawyer,³ interpreting Section 269 of the Succession Act, such a prayer is not maintainable.

2. In this view of the matter, the learned Advocate for the Defendant seeks leave to withdraw the Notice of Motion with liberty to adopt appropriate proceedings. Leave granted with liberty as prayed. The Notice of Motion is disposed of in these terms.

(G. S. PATEL, J.)

3 Appeal (L) No. 7 of 2014 in Notice of Motion No. 138 of 2012 in Testamentary Suit No. 29 of 2012 in Probate Petition No. 341 of 2012, decided on 8th August 2014.