

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.4 OF 2016
IN
TESTAMENTARY PETITION NO.700 OF 2014**

Marcellus Mathew Fernandes	... Petitioner
<i>Versus</i>	
Arlene D'Souza	... Respondent

None, for the Petitioner.
Mr. Ivor Peter D'Cruz, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 22nd July 2016

PC:-

1. There is an Affidavit in Reply. None appears for the Petitioner. Paragraph 3 of the order dated 10th June 2016 reads thus:

“3. Regarding the issue of succession and kinship, the learned Advocate for the revocation Petitioner is unable to explain how the revocation Petitioner can succeed to any part of the deceased's estate, i.e., how he can be an heir of the deceased. The only ground seems to be that the Petitioner denies that the Respondent is the deceased's niece. The Respondent having obtained probate, this is for the Petitioner to show. The Petitioner must also show how he is entitled

to maintain this Petition. Simply saying that the original Will was a forged and fabricated document is not enough. He must show that he has the necessary caveatable interest to raise this contention.”

2. As of today, there is no answer or explanation from the Petitioner. There is also neither hide nor hair of the Petitioner, or his Advocate.

3. The Miscellaneous Petition is dismissed with no order as to costs.

(G. S. PATEL, J.)