

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.3 OF 2016

IN

TESTAMENTARY SUIT NO.62 OF 1994

IN

TESTAMENTARY PETITION NO.172 OF 1994

Vithal Shamrao Ranware & Ors.

... Applicants

Manilal Govaram Thakkar

... Plaintiff

Versus

Vithal Shamrao Ranaware & Ors.

...Defendants

MS. Aditi Bhat, i/b Yatin R Shah for the Plaintiff.

Ms. Pallavi Siddhpathak, for Defendants.

CORAM: G.S. PATEL, J

DATED: 20th June 2016

PC:-

1. The Notice of Motion is not maintainable in view of the settled position in law under Section 269 of the Indian Succession

Act.¹ The Notice of Motion filed by Defendants Nos.1 to 5 is dismissed with no order as to costs.

(G. S. PATEL, J.)

1 *Rupali Mehta v Smt. Tina Narinder Sain Mehta*, 2006 (6) Bom.C.R. 778; *Ramchandra Ganpatrao Hande alias Handege v Vithalrao Hande and Ors.*, 2011 (4) Bom.C.R 326; *Manek Dara Sukhadwalla v Shernaz Faroukh Lawyer*, 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.