

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO.143 OF 2015
IN
TESTAMENTARY SUIT NO.135 OF 2015
IN
TESTAMENTARY PETITION NO.493 OF 2015**

Christine Rustom Pastakia & Ors.

... Applicants /
Plaintiffs

Versus

Marzban Dadi Naegamvala

...Defendant

Mr. Zubin Behramkamdin, i/b Wadia Ghandy & Co. for Plaintiffs.

**CORAM: G.S. PATEL, J
DATED: 10th June 2016**

PC:-

1. This is the Plaintiffs Notice of Motion for discharge of the Caveat. It has been served. I have heard Mr. Behramkamdin, learned counsel for the Plaintiffs. None for the Defendant.

2. In paragraphs 3 to 5 of the Affidavit in Support it is stated that the Defendant is not an heir of the deceased. The Defendant does not, therefore, have a Caveatable interest. In any case, the Defendant

himself has in parallel proceedings in this Court accepted the fact that he has not a heir of the deceased. It was on this basis that the Defendant withdrew his own Petition after a Revocation Petition was allowed.

3. In this view of the matter, the present Notice of Motion is made absolute in terms of prayer clause (a). The Caveat stands discharged. The Petition to proceed as an uncontested Petition.

4. Registry to act expeditiously on a priority basis on an authenticated copy of this order.

(G. S. PATEL, J.)