

ATUL

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 28 OF 2016
IN
TESTAMENTARY SUIT NO. 70 OF 2015
IN
TESTAMENTARY PETITION NO. 502 OF 2012**

Murli Govindan Kurup	...Plaintiff
<i>Versus</i>	
Jaishree Suresh Kutty & Another	...Defendants

Mr. R. D. Mishra, for the Plaintiff.

**CORAM: G.S. PATEL, J
DATED: 4th July 2016**

PC:-

1. Heard. This is the Plaintiff's Notice of Motion for discharge of the Caveats. There are two Caveats filed, by one Geeta Someshwar Nair and by one Jaishree Suresh Kutty. Both are the deceased's married daughters.

2. I have seen the Caveats and the Affidavits in Support. The 2nd Defendant's (Ms. Kutty) Affidavit in support of the Caveat makes it clear that there are significant and specifically stated grounds of challenge. These are mentioned *inter alia* in paragraphs

2(a), 2(b), 2(e), 2(i) and 12(x). These are not averments or assertions that can be dismissed at the threshold. The matter will have to be tried.

3. The Notice of Motion is dismissed with no order as to costs.
4. List the Suit for framing issues on 1st August 2016.

(G. S. PATEL, J.)