

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.179 OF 2017

Prakashkumar Mansukhlal Shah	...	Applicant
versus		
Sunita Anant Mehta	...	Respondent

Mr. J.S.Kini i/by Mr. Suresh Dubey, for Applicant.
Ms. Yogini Gada i/by M/s. Harakchand and Co., for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 21st JUNE, 2017

P.C.:

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The Applicant shall serve Testamentary Petition No.185 of 2015 on the Advocate for the Respondent in the course of the day.

(ii) Office to issue citation in the matter within a period of one week from today to the heirs of the deceased mother of the Petitioner as well as Respondent and the said citation shall be forthwith served by the Advocate for the Respondent.

(iii) The Respondent shall file a Caveat, if so advised, within a period of one week from the date of issue of the citation. Upon such caveat being filed, the Testamentary Petition shall forthwith be converted into a Testamentary Suit by the Court Office and placed for hearing along with the Testamentary Suit No.51 of 2001.

(iv) The learned Advocate for the Petition undertakes not to seek any adjournment before the Testamentary Court when the same appears on board, unless absolutely necessary. The undertaking is accepted.

(v) The Suit filed before the City Civil Court being No.3453 of 1999 shall not be proceeded with by the parties until the Testamentary Suit between the parties are disposed of.

(vi) In view of the above order, the Misc. Civil Application is disposed of.

(S.J.KATHAWALLA,J.)