

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION**

**NOTICE OF MOTION NO. 33 OF 2016  
IN  
TESTAMENTARY SUIT NO. 5 OF 2000  
IN  
TESTAMENTARY PETITION NO. 501 OF 1997**

Prakash J. Shah & Anr.

.. Applicants/Org.Plrtffs.

**In the matter between :**

Prakash J. Shah & Anr.

.. Plaintiffs

Vs.

Mrs.Madhuri Bhagat  
(Since deceased) & Ors.

.. Defendants

Mr.Piyush M. Shah a/w. Mr.N.M.Dedhia and Ms.Mittal Shah for  
plaintiffs/applicants.  
None for defendants.

**CORAM : K.R.SHRIRAM, J.  
DATE : 15<sup>TH</sup> FEBRUARY, 2017**

**P.C.**

1 Mr.Shah for the applicants makes a solemn statement that all the four items mentioned in paragraph 2 of the order dated 10<sup>th</sup> August 2015 are ready and will be lodged in the registry during the course of today. Shri Shah also states that copies of the affidavit of the attesting witness, the evidence affidavit of the plaintiff, affidavit of documents and compilation of documents duly indexed and paginated, will be served upon the defendants during the course of this week. In view of the reasons given in the affidavit

in support, the petition being Testamentary Suit No.5 of 2000 is required to be restored to file.

2 The notice of motion accordingly disposed.

3 The suit be listed on 6<sup>th</sup> March 2017 for marking of documents/receiving on which date the attesting witness as well as the plaintiff shall remain present in Court.

**(K.R. SHRIRAM, J.)**