

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****NOTICE OF MOTION NO. 76 OF 2017****IN****CAVEAT (L) NO. 327 OF 2016****IN****TESTAMENTARY PETITION NO. 621 OF 2016****Mrs.Rashi Amit Mehra & Anr.****..... Applicant
(Org.Petitioner)****IN THE MATTER BETWEEN****Amit Prakash Mehra****..... Deceased****Mrs.Rashi Amit Mehra & Anr.****..... Original Petitioners****AND****Puneet Prakash Mehra****..... Caveator****Mr.Shekhar Jagtap for the Applicant.****Mr.Shardul Singh, i/b. B.Amin & Co. for the Respondents/Caveators.****CORAM : R.D. DHANUKA, J.****DATE : 7th JULY, 2017****P.C.****Not on board. Taken on board.**

2. Learned counsel appearing for the caveator on instruction states that his client does not seek to press the Caveat (L) No.327 of 2016 along with affidavit in support of the caveat. The statement is accepted. Caveat (L) No.327 of 2016 along with affidavit in support of the caveat are dismissed as withdrawn.

3. In view of the statement made by the learned counsel for the caveator,

Notice of Motion No. 76 of 2017 *inter alia* praying for dismissal of the caveat does not survive and is accordingly disposed of in the aforesaid terms.

4. In view of the withdrawal of the caveat and affidavit in support of the caveat, the testamentary suit is directed to re-converted into a testamentary petition as un-contested matter. The office is directed to proceed with the matter as testamentary petition as un-contested matter.

5. The petitioners are directed to furnish a copy of the Letters of Administration when granted by this court after certifying the same as true copy to the learned advocate representing the defendant within one week from the date of receipt of such Letters of Administration.

6. Drawn up decree is dispensed with.

7. The Office is directed to issue Letters of Administration expeditiously.

(R.D.DHANUKA, J.)