

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

**TESTAMENTARY SUIT NO.22 OF 2009
IN
TESTAMENTARY PETITION NO.387 OF 2008**

Saroj Prabhulal ShahPlaintiff

V/s.

Jayesh Prabhulal Shah & Anr.Defendants

Ms.Purnima G.Bhatia for the plaintiff.

Mr.R.A.Shaikh for the defendant no.1.

Mr.Salil Shah i/by Swati S.Margi for defendant no.2.

CORAM : K.R.SHRIRAM,J

DATE : 27.2.2017

P.C.:-

1 Ms.Purnima Bhatia seeks leave to withdraw the petition.
Petition dismissed as withdrawn. Refund of court fees if any, in
accordance with Rules.

2 Mr.Shaikh for defendant no.1 and Mr.Shah for defendant
no.2 are pressing for cost stating that their clients defendant nos.1 &
2 have incurred substantial cost in as much as even the plaintiff's
evidence had begun and cross-examination of PW-1 was carried
out and PW-2's evidence was considered by them but who was not
made available for cross-examination.

3 Ms.Bhatia states that this is another instance of
unfortunate family fight where the plaintiff is the mother and
defendants are her children- son and daughter. In view of this family
relationship, I am not inclined to grant any cost.

(K.R.SHRIRAM,J)