

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION (L) NO.1234 OF 2017
IN
ADMIRALTY SUIT (L) NO.348 OF 2017**

Shreepad Moreshwar Velkar & Ors.)....Applicants/Plaintiffs

V/s.

Kavita Glen Gonsalves & Ors.)....Defendants

Ms.Uma Acharya a/w Ms.Bijal Gandhi i/by Jayakar & Partners for
applicants/plaintiffs.

None for defendants.

CORAM : K.R.SHRIRAM,J

DATE : 22.8.2017

P.C.:-

1. Ms.Uma Acharya appearing for plaintiffs states that suit has been wrongly lodged as Admiralty suit, whereas it is only a suit for declaration.

2 Ms.Acharya states that the suit filed was basically for the relief that no probate be granted to the last Will and testament dated 19.7.2010. Ms.Acharya states that it has subsequently come to light that probate has already been granted. Ms.Acharya therefore, seeks leave to withdraw the suit with liberty to file fresh suit to challenge the bequeathals under the Will etc.

3 Suit dismissed as withdrawn with liberty as sought for.
Court fees already paid to be adjusted against the new suit proposed
to be filed.

Notice of Motion accordingly stands disposed.

(K.R.SHRIRAM,J)