

Amk

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

**NOTICE OF MOTION NO. 199 OF 2017
IN
TESTAMENTARY SUIT NO. 79 OF 2006
IN
TESTAMENTARY PETITION NO. 808 OF 2005**

Pamela D'Costa .. Applicant

In the matter between

James Valles .. Plaintiff

Vs.

Pamella D'Costa .. Defendant

Mr. J. M. Puranik a/w. G. R. Sawant for the Applicant/Defendant.
Mr. Sandeep V. Bane for the Petitioner.

CORAM : S. C. GUPTE, J.
DATE : 20th NOVEMBER, 2017.

P. C. :

This Notice of Motion is for framing of additional issues. It is the grievance of the applicant (original defendant) that the suit suffers from non joinder of necessary parties, since some of the legal heirs and next of the kin of the deceased have not been disclosed in the original Testamentary Petition and have not accordingly been cited. On these pleadings, additional issues proposed by the applicant will have to be framed. Accordingly, the Notice of Motion is made absolute in terms of prayer clause (a). Costs to be costs in the cause.

[S. C. GUPTE, J.]