

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 71 OF 2009
IN
TESTAMENTARY PETITION NO.396 OF 2003**

Smt. Muktaben Kishorkant Shah	]	Plaintiff
Vs.		
Smt. Sushma V. Shah & Ors.	]	Defendants

.....

Mr. B.G. Saraf, for plaintiff.
Mr. Amar M. Talreja, for defendant.

.....

CORAM : R.G. KETKAR, J.

DATE : 18th AUGUST, 2017.

P.C.

Heard Mr. Saraf, learned Counsel for the plaintiff and Mr. Talreja, learned Counsel for the defendants.

2. Mr. Saraf submitted that petitioner/plaintiff died on 25th January, 2010. During her lifetime, one of her son Virendra died on 20th October, 2003. Other son, Chandresh died on 15th February, 2016. He states that Mrs. Smitaben Shah, daughter of Muktaben Shah is present before the Court. As sole petitioner/plaintiff has expired on 25th January, 2010, this Petition and the suit stand abated and accordingly disposed of reserving liberty to the plaintiff to take out appropriate proceedings for setting aside abatement after condoning delay as also substituting/bringing legal representatives of the original petitioner on record.

[R.G. KETKAR, J.]