

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**NOTICE OF MOTION NO. 169 OF 2016
IN
TESTAMENTARY SUIT NO. 77 OF 2015
IN
TESTAMENTARY PETITION NO. 1605 OF 2015**

Mrs.Kumudben @ Kumiben Ramdas
Sampat .. Deceased

Mr.Kaushal Ramdas Sampat .. Applicant

In the matter between :

Mr.Kaushal Ramdas Sampat .. Plaintiff
Vs.

Mr.Ramdas Ranchoddas Sampat & Anr. .. Defendants/Respondents

**WITH
NOTICE OF MOTION NO. 220 OF 2016
IN
TESTAMENTARY SUIT NO. 77 OF 2015
IN
TESTAMENTARY PETITION NO. 1605 OF 2015**

Mrs.Geeta Harish Bhatia .. Applicant/Org.Deft.No.3

In the matter between :

Mr.Kaushal Ramdas Sampat .. Plaintiff
Vs.

Mr.Ramdas Ranchoddas Sampat & Anr. .. Defendants/Respondents

Mr.Arashad Haindaday i/b Nipa Shah for plaintiff and applicant in
NMT/169/2016.

Mr.Siddhesh Pilankar i/b U.P. Warunjikar for defendant no.1.

Ms.Y.Y. Naik for defendant nos.2 and 3 and for applicant in NMT/220/2016.

CORAM : K.R.SHRIRAM, J.
DATE : 15TH FEBRUARY, 2017

P.C.

NOTICE OF MOTION NO. 169 OF 2016

1 Relief sought in the notice of motion are against defendant no.1 and the respondents. Mr.Haindady for the plaintiff states that they have served the respondents but nobody is present today. The counsel undertakes to file affidavit of service within one week from today. Mr.Pilankar appearing for defendant no.1 states that they were served this notice of motion on 3rd August 2016. However, till date no reply has been filed. In effect, there is no opposition to grant of relief as prayed for in the notice of motion.

2 The notice of motion is allowed in terms of prayer clauses (a), (b) and (c) and disposed accordingly.

NOTICE OF MOTION NO. 220 OF 2016

3 Ms Naik for applicants states that though they were served the affidavit in reply in the third week of October 2016, they are yet to file a rejoinder. The counsel also states that this matter is getting listed from time to time but never reached. This cannot be the reason for not filing the rejoinder. Even today, the rejoinder is not ready and Ms. Naik states that she needs some more time to file rejoinder. In view of this, the matter cannot go on further.

4 Stand over to 22nd February 2017. Time granted to file rejoinder upto and including 18th February 2017. Since the matter cannot proceed today in view of the failure of the applicant to file rejoinder, the applicant to give a donation of Rs.5,000/0 to the Tata Memorial Hospital and Research Centre, Mumbai which amount to be paid before the next date.

(K.R. SHRIRAM, J.)