

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

APPEAL NO.155 OF 2017
WITH
MISCELLANEOUS PETITION (L) NO.1742 OF 2015
WITH
TESTAMENTARY PETITION NO.329 OF 2007
WITH
NOTICE OF MOTION NO.725 OF 2017

Nayan Engineer ...Appellant

vs.

Kumund Jayant Engineer and Others ...Respondents

Mr. Rajiv Narula i/b. M/s. Jhangiani Narula & Associates, for the Appellant.

Mr. D. Sylvester a/w. Mr. V. Dhond i/b. Dhru & Co., for the Respondent Nos. 1 and 2.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 01, 2017

P.C.:

. Parties through their counsel.

2. Challenging the order dated 6th April, 2016 passed by the learned single Judge while deciding Misc. Petition (L) No.1742 of 2015 in Testamentary Petition No. 329 of 2007, this Appeal has been filed.

3. According to the learned counsel for the Appellant, the prayer (a) and (b) of Para No. 10 of Misc. Petition (L) No. 1742 of 2015 have not been considered and decided.

4. We have gone through the impugned order as also the order dated 6th October, 2015 of which the reference is made in the impugned order dated 6th April, 2016. We find that the learned single Judge has considered the interim relief and has not yet considered the reliefs claimed in para No. 10(a) and 10(b) of the said Misc. Petition (L) No. 1742 of 2015.

5. In the circumstances, we dispose of this Appeal by directing the Appellant to approach the learned single Judge for getting the decision on prayer clause No. 10 (a) and (b) of the said Misc. Petition.

6. With the aforesaid liberty, the Appeal is disposed of.

7. In view of above, Notice of Motion also stands disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)