

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

TESTAMENTARY SUIT NO.222 OF 2016
IN
TESTAMENTARY PETITION NO.215 OF 2015

Ram Kumar Pugaliya	...	Plaintiff/Petitioner
Versus		
Mr. Sharad Mulchanddas Mistry	...	Defendant/Caveator
		
Mr. Piyush Raheja i/b R.V.J. Associates		for the Plaintiff/Petitioner.
		

CORAM : S.C.GUPTE, J.

DATE : 14 NOVEMBER 2017

P.C. :

. Mentioned. Not on board.

2 The testamentary petition in the present matter was converted into a suit after the Defendant herein filed a caveat and an affidavit in support of the caveat. The caveat has since been withdrawn and accordingly, this Court by its order dated 7 March 2017 directed that the petition should be proceeded with as an uncontested matter and Office to take steps accordingly. It appears that the Department is insisting on a drawn up decree. Since the petition is an uncontested matter, there is no need for any drawn up decree. It is like any other petition, in which there is no contest by filing of a caveat. The Department is directed not to insist on any drawn up decree as and when a petition, though converted into a testamentary suit, is directed by the Court to be proceeded with as an uncontested matter.

2 The order to be circulated to all concerned in the Department.

(S.C. GUPTE, J.)