

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

SUIT NO.262 OF 2017

Mr. Sunder Kukreja And Others ... Plaintiffs

Versus

Mr. Raj Kuamr Kukreja And Others ... Defendants

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Mr. Shyam Kapadia i/b Rajendra Pawar for the Plaintiffs.

Mr. Devang Lakhotia i/b Juris Consillis for Defendant No.1.

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CORAM : S.C.GUPTE, J.

DATE : 2 AUGUST 2017

P.C. :

. Learned Counsel for the Plaintiffs seeks leave to withdraw the Suit with liberty to file a fresh Suit on the same cause of action and after incorporating the events subsequent to the filing of the Suit. It is submitted that the Suit as framed challenges a transaction executed between Defendant Nos.1 to 9. This transaction was executed on the basis of Probate obtained by Defendant Nos.1 to 8 in a Testamentary Petition. It is submitted that during the pendency of the Suit, on the application of the Plaintiffs, this probate has been revoked. Accordingly, it is submitted that the Plaintiffs would like to file a fresh Suit challenging the transaction *inter alia* on the basis of revocation of the probate.

2 The Suit is dismissed as withdrawn with liberty to file a fresh suit.
No order as to costs.

3 The refund of Court Fees in accordance with the applicable Rules.

(S.C. GUPTE, J.)