

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****T. & I. J.*****TESTAMENTARY SUIT NO. 227 OF 2015****IN****TESTAMENTARY PETITION NO. 829 OF 2015****Kiran Gopichand More****..... Plaintiff****VERSUS****Sangita Mangesh Hate****..... Defendant**

Ms.Siddheshwar B. Kalel for the Plaintiff.

Ms.Geeta P. Sonawane, i/b. Mr.Satish Raut for the Caveator.

**CORAM : R.D. DHANUKA, J.****DATE : 4<sup>th</sup> JULY, 2017****P.C.**

The caveator is present in court.

2. Learned counsel appearing for the caveator Ms.Sangeeta Mangesh Hate on instruction seeks liberty to withdraw her caveat dated 30<sup>th</sup> October,2015 and affidavit in support of the caveat dated 30<sup>th</sup> October,2015. The caveator is present in court and is identified by the learned counsel for the caveator.

3. Learned counsel for the petitioner states that the names of the legal heirs and next-of-kin according to Hindu Succession Act, 1956 of the deceased are described by the petitioner in paragraph (9) of the petition. It is stated that the parents of the deceased are predeceased the deceased and save and except the names mentioned in paragraph (9) of the petition, there are no other legal heirs and next-of-kin by the said deceased Smt.Vimal Lala Lakhan. Mrs.Geeta Gopichand

More, one of the legal heir and next-of-kin has already filed consent affidavit in favour of the petitioner for grant of Letters of Administration with the Will annexed.

4. Learned counsel for the petitioner states that except the persons whose names are described in paragraph (9) of the affidavit, there are no other legal heirs of the said deceased. The statements made in the testamentary petition as well as made by the learned counsel for the petitioner across the bar are accepted.

5. Since the caveat filed by Ms.Sangeeta Mangesh Hate along with affidavit in support is withdrawn, the petition has to be tried as uncontested matter.

6. The Office is accordingly directed to proceed with the grant of Letters of Administration with Will annexed in accordance with law expeditiously.

7. Testamentary suit is disposed of in the aforesaid terms.

**(R.D.DHANUKA, J.)**