

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 175 OF 2017
IN
SUIT NO. 40 OF 2017
IN
PETITION NO. 1190 OF 2016

Rajiv Kisan Mehta Applicant
(Org.Defendant)

IN THE MATTER BETWEEN

Kisan Goculdas Mehta Deceased

Anjani Kisan Mehta Plaintiff

VERSUS

Rajiv Kisan Mehta Defendant

AND

The Branch Manager, HDFC Bank Respondent

Ms.Sunita Khamkar for the Applicant in the Notice of Motion.

Mr.Hamed Kadiani, a/w. Ms.Kavisha Shah, I/b. India Law Alliance for the Plaintiff/Petitioner.

Mr. Arjun Pawar, i/b. Vivek Patil & Associates for the Respondent, HDFC Bank.

CORAM : R.D. DHANUKA, J.

DATE : 5th DECEMBER, 2018

P.C.

By this notice of motion filed by the applicant (original defendant), the applicant seeks various reliefs in respect of the properties which according to the applicant are subject matter of the suit.

2. In *catena* of decisions of this court it has been held that in the testamentary suit, the probate court cannot grant any interim relief in respect of the properties which are allegedly bequeathed by the deceased testator.

3. In my view, this notice of motion is thus not maintainable and is thus dismissed. No order as to costs.

[R.D. DHANUKA, J.]