

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 32 OF 2009**

IN

TESTAMENTARY PETITION NO. 129 OF 2009

Vishwajit A Patkar

...Plaintiff

Versus

Gene Shashikant Patkar

...Defendant

WITH

TESTAMENTARY SUIT NO. 70 OF 2005

IN

TESTAMENTARY PETITION NO. 574 OF 2005

WITH

SUIT NO. 897 OF 2008

None for the Plaintiff.

Mr Bharat Joshi, *for the Defendant in Testamentary Suit No. 32 of 2009 and Plaintiff in Testamentary Suit No. 70 of 2005.*

CORAM: G.S. PATEL, J

DATED: 20th August 2018

PC:-

1. On 25th June 2018, I adjourned Testamentary Suit No. 32 of 2009 and its tagged matters on the basis that the Plaintiff in that

suit, having undergone surgery, was immobilised. The Plaintiff's daughter, Ms Alisha Patkar, was present in Court. She repeated this request. I therefore listed the matter today.

2. I notice that even on previous occasions the Plaintiff has been absent. This was noted by SC Gupte J on 30th November 2017. The Plaintiff, Vishwajit Patkar, has neither appeared before the Court nor before the Commissioner. He cannot constantly seek adjournments or delay the matter by continued non-appearance.

3. Testamentary Suit No. 32 of 2009 is dismissed. Similarly Suit No. 897 of 2008 also filed by Vishwajit Patkar is dismissed.

4. Thus Testamentary Suit No. 70 of 2005 filed by Gene Shashikant Patkar will now be taken up. The Plaintiff in that suit has filed his evidence affidavit and compilation of documents.

5. List the Testamentary Suit No.70 of 2005 for marking the Plaintiff's documents on 14th September 2018.

(G. S. PATEL, J)