

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 1374 OF 2015
WITH
CAVEAT NO. 14 OF 2017**

Fleurette Ann Pereira

...Petitioner

Versus

Karim Abdul Aziz Rajwani

...Caveator

**WITH
NOTICE OF MOTION NO. 206 OF 2017
IN
CAVEAT NO. 14 OF 2017
IN
TESTAMENTARY PETITION NO. 1374 OF 2015
AND
CHAMBER SUMMONS NO. 143 OF 2017
IN
CAVEAT NO. 14 OF 2017
IN
TESTAMENTARY PETITION NO. 1374 OF 2015**

**Ms Janhavi Bejoy, i/b Clifford Martis, for the Plaintiff/ Applicant.
Ms Deepti Panda, i/b Pardiwala & Co., for the Caveator.**

CORAM: G.S. PATEL, J
DATED: 10th July 2018

PC:-

1. Ms Panda has instructions to seek leave to withdraw Caveat No. 14 of 2017 but liberty to file appropriate proceedings keeping all contentions open. Leave granted with liberty as prayed. Caveat No. 14 of 2017 is dismissed as withdrawn keeping all contentions open *inter alia* in regard to any item of property included in the Petition. The parties may agitate their respective rights and contentions in an appropriate proceeding.

2. In view of this, Chamber Summons No. 143 of 2017 seeking condonation of delay is infructuous and disposed of accordingly. Similarly, Notice of Motion No. 206 of 2017, which seeks a discharge of the Caveat, is also now infructuous and is disposed of as such.

3. Testamentary Petition No. 1374 of 2015 is now uncontested. Service of citations is complete. Registry will proceed accordingly and will not now insist on fresh service of citations.

4. Drawn up order is dispensed with. Registry to issue the grant of probate expeditiously acting on an authenticated copy of this order.

(G. S. PATEL, J)