

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

NOTICE OF MOTION NO. 174 OF 2018

IN

TESTAMENTARY SUIT NO. 141 OF 2015

IN

TESTAMENTARY PETITION NO. 247 OF 2014

Rajesh Bhaichand Parekh	...Plaintiff
<i>Versus</i>	
Urmilaben Jayantilal Chauhan & Anr	...Defendants
<i>And</i>	
Dhaval Vijay Karia	...Respondent

Prof. Rohini M Dandekar, for the Plaintiffs.
No appearance given, for the Defendants.

CORAM: G.S. PATEL, J
DATED: 3rd October 2018

PC:-

1. The Motion not maintainable in view of the settled law on the subject.¹

1 *Rupali Mehta v Tina Narinder Sain Mehta*, AIR 2007 Bom 62 : 2006 (6) ALL MR 48 : 2006 (6) Bom CR 778 : 2006 (6) Mh LJ 786; *Ramchandra Ganpatrao Hande alias Hande v Vithalrao Hande & Ors*, AIR 2011 Bom 136 : 2011 (4) ALL MR 189 : 2011 (4) Bom CR 326 : 2011 (113) Bom LR 1302 : 2011 (4) Mh LJ 50; *Manek Dara Sukhadwalla v Shernaz Faroukh Lawyer (DB)*, MANU/MH/1252/2014; *Shernaz Faroukh Lawyer & Anr v Manek Dara Sukhadwalla and Anr*; 2015 (2) ALL MR 233 : 2014 (2) Bom CR 591 : 2015 (2) MhLJ 917; *Lydia Agnes Rodrigues née D'Cunha & Ors v Joseph Anthony D'Cunha & Ors*, 2014 (2) ALLMR 873 : 2014 (1) Bom CR 811 : 2014 (3) Mh LJ 508.

2. It is dismissed as withdrawn with liberty to the Plaintiff to adopt appropriate proceedings for the same relief.

(G. S. PATEL, J)