

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 19 OF 2010
IN
TESTAMENTARY PETITION NO. 669 OF 2009
WITH
NOTICE OF MOTION NO. 167 OF 2018**

Dr Hiralal Naranbhai Patel & Anr	...Plaintiffs
<i>Versus</i>	
Dr Geeta Hiralal Patel	...Defendant

Ms Sirisha Kurada, *i/b SKC Legal, for the Plaintiffs.*
Mr SN Vaishnawa, *with Ms NJ Mukherjee, i/b M/s NN Vaishnawa
& Company, for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 14th August 2018

PC:-

1. There is absolutely no explanation for the Defendant's non-appearance since 2010. The only reason Mr Vaishnawa gives is that there was a typographical error in showing his appearance on board. His first name and last name was shown as one. This is not sufficient.

2. The Defendant is overseas, and has lived abroad for nearly the last decade. I am told that she is scheduled to arrive in India on 16th September 2018. She is to remain present in Court on 17th September 2018 at 11.00 am. The matter will be listed high on board.

3. This is subject to payment of costs which Mr Vaishnawa with his usual fairness readily agrees to pay. He volunteers payment of costs of Rs.75,000/-. This is accepted as a condition precedent. Costs to be paid on or before 31st August 2018.

4. Notice of Motion No. 167 of 2018 is made absolute on those terms.

5. The Suit will be listed for directions, high on board on 17th September 2018. In default of the Defendant's and her Advocate's appearance on the next day, her cross-examination and case will both be closed and no application for re-opening either will be entertained thereafter under any circumstances.

(G. S. PATEL, J)