

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****CHAMBER ORDER NO. 1510 OF 2017****IN****TESTAMENTARY SUIT NO. 39 OF 2009****IN****TESTAMENTARY PETITION NO. 972 OF 2009****Jyoti Vijay Bhasin****..... Plaintiff****VERSUS****Bimla Banwarilal Rawal & Anr.****..... Defendants**

Ms.Lata Desai for the Plaintiff.

Mr.D.R.Mishra for the Defendants.

No records and proceedings.

CORAM : R.D. DHANUKA, J.**DATE : 19th DECEMBER, 2018****P.C.**

Mr.Mishra, learned counsel appearing for the defendants had applied for discharge before the Additional Prothonotary and Senior Master. He contended that he tried to communicate the defendants about his intention to take discharge, however the packet containing the said notice came back with the remark 'Left'. In view of this position, the learned Additional Prothonotary and Senior Master did not pass an order discharging the learned advocate and has requested to place the matter before this court.

2. Learned counsel for the defendants states that since last two

years, the defendants have not approached him to give instructions in the matter. He is accordingly unable to proceed with the matter. The statements made by the learned counsel are accepted. The learned advocate on record is discharged in Chamber Order (L) No.1510 of 2017 and is allowed.

3. Insofar as other proceedings which are pending in this testamentary suit are concerned, the plaintiff is directed to take appropriate steps to serve the defendants at the last known address by substituted service.

4. Place the matter on board for direction on **14th January,2019**.

5. The plaintiff undertakes to serve the defendants by publishing the notice in the two newspapers viz. 'Indian Express' Mumbai Edition and 'Loksatta' Mumbai Edition and to file affidavit of service before the next date.

[R.D. DHANUKA, J.]