

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 13 OF 1992
IN
TESTAMENTARY PETITION NO. 51 OF 1992
WITH
NOTICE OF MOTION NO. 307 OF 2017**

Mohit Atul kothare & Atul Ramrao Kothare ...Plaintiffs
Versus
KV Pradhan ...Defendant

**Mr Hiralal Thakkar, Senior Advocate, i/b Eventa A Gonsalves, for
the Plaintiff/Applicant**

**CORAM: G.S. PATEL, J
DATED: 18th January 2018**

PC:-

NOTICE OF MOTION NO. 307 OF 2017:

1. The Notice of Motion seeks to include in evidence copies of the death certificate of the two attesting witnesses Mukund Bhat and Adiyeri Kunnoth Devdas. A certified copy of death certificate of Mr Bhat is available. It is taken on record and marked in evidence as **Exhibit “P4”**. A certified copy of the death certificate of Adiyeri Kunnoth Devdas issued by the Thane Municipal Corporation is

unavailable. A photocopy is tendered. There can be no objection. The photocopy is taken on record and marked in evidence as Exhibit “P5”.

2. The Notice of Motion is disposed of in these terms.

TESTAMENTARY SUIT NO. 13 OF 1992:

3. The Defendant is absent although this matter has been twice listed on my final hearing board. It was listed at Serial No. 210 last week. Today, it is listed at Serial No. 201. The last occasion on which the Defendant was represented was 26th July 2017 and although the matter has been listed thereafter on 9th August 2017, 18th August 2017 and 7th September 2017, it has not been listed thereafter till last week.

4. I will give the Defendant one final opportunity. List the matter on 1st February 2018 at 3.00 p.m. The matter will be treated as part-heard.

5. I make it clear that if the Defendant is not represented on that date, I will proceed with the matter in the Defendant's absence.

6. I will request Ms Gonsalves who is on record for the Plaintiffs to give notice with a copy of this order to M/s. M Munim & Co., who are on record for the Defendant.

(G. S. PATEL, J)