

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

NOTICE OF MOTION NO. 248 OF 2018
IN
NOTICE OF MOTION NO. 91 OF 2008
IN
TESTAMENTARY SUIT NO. 57 OF 2008

M/s.Bhagashirwad Investments Pvt. Ltd. **..... Applicant/
Org.Respondent**

IN THE MATTER BETWEEN

Smt.Vidhya Dayanand Pai **..... Petitioner**
VERSUS

M/s.Bhagashirwad Investments Pvt. Ltd. **..... Respondent**

Mr.Y.S.Jahagirdar, Senior Advocate, I/b. Joy Legal Consultants for the
Applicant in the NMT/248/2018.

Mr.Laxman Venkatesan for the Original Plaintiff.

Mr.Yogendra Kanchan for the Respondent nos. 1 and 2.

CORAM : R.D. DHANUKA, J.

DATE : 19th DECEMBER, 2018

P.C.

This notice of motion is filed by the caveator for seeking clarification of the order dated 30th June, 2009 and 10th July, 2009 to the effect that the said order does not preclude the applicant from filing any criminal proceedings and/or other proceedings against the petitioner and others in respect of the Will of Mizar Annappa Shenoy dated 10th April, 2008 and flat no.2, Brightlands Building, 22, Mahakavi Bhushan Marg, Mumbai – 400 001.

2. Heard learned counsel for the parties. By the said order dated 30th June, 2009 and 10th July, 2009, this court had made it clear that the caveator would be free to approach the appropriate court for claiming relief relating to the title of the immoveable property.

3. It is now made clear that the applicant is not precluded from filing any criminal and/or other proceedings against the petitioner as prayed in prayer clause (a) of the notice of motion.

4. It is made clear that this court has not expressed any views on the merits of the proceedings proposed to be filed by the applicant. If any such proceedings are filed by the applicant, the same would be disposed of on its own merits.

5. Notice of motion is disposed of in the aforesaid terms. There shall be no order as to costs.

[R.D. DHANUKA, J.]