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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

LEAVE PETITION No. 62 OF 2021
IN
APPEAL (L) No. 259 OF 2019
IN
NOTICE OF MOTION (L) No. 254 OF 2018
IN
THIRD PARTY APPLICATION FOR COUNTER CLAIM (L) No. 259 OF 2018
IN
TESTAMENTARY PETITION No. 816 OF 2015

Kantilal Shah ... Applicant
/ Appellant

Vs.

Jayesh Jayant Shah ... Respondent

Mr. Karl Tamboly a/w Chandra Naik a/w Chaitali Gosavi, for the
Appellant.

CORAM : S. J. KATHAWALLA &
VINAY JOSHI, JJ.

DATE : MARCH 9, 2021

PC :

1. The Appellant has filed an appeal, impugning the order dated 29th November, 2018 passed by the learned Single Judge of this Court in Notice of Motion (L) No. 254 of 2018. Office has raised an objection to the effect that the Appellant ought to have taken leave under XL of the Letters Patent, for challenging the interim order dated

29th November, 2018.

2. In our view, office ought not to have raised the said objection since the Applicant is impugning the order passed in the Notice of Motion, to which the Appellant was a party (Third Party Applicant). In view thereof, office to number the appeal, if all other objections are complied with.

3. Leave petition is accordingly disposed of.

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P.
Halemath

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[VINAY JOSHI, J.]

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[S. J. KATHAWALLA, J.]