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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 2152 OF 2020
IN
TESTAMENTARY PETITION NO. 1263 OF 2015**

Michael Miranda ...Petitioner

Hyacinth Anthony Miranda ...Deceased

Mrs Vijaya Ingule, i/b Sean Wassoodew, for the Applicant.

**CORAM: G.S. PATEL, J
DATED: 17th September 2021**

PC:-

**INTERIM APPLICATION NO. 2152 OF 2020 IN
TESTAMENTARY PETITION NO. 1263 OF 2015:**

1. The Petition has been pending since 2015. It was dismissed for default and then restored. Citations were privately served. There is a solitary Caveat but it is delayed. There is apparently no Interim Application to condone the delay in filing Caveat. The Defendants are absent today.

2. The present Interim Application No. 2152 of 2020 is misconceived. It seeks an expedited hearing and a peremptory date.

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That cannot be done. First the Caveat will have to be taken up. It will have to be seen whether the Caveat is or is not within time. If it is within time, then the Testamentary Petition will be renumbered as a Testamentary Suit, issues will be framed and directions passed for filing Evidence Affidavit. If the Caveat is out of time, and is to be rejected, then the Testamentary Petition will simply proceed as an uncontested one.

3. The present Interim Application is totally unnecessary and is disposed of as infructuous.

TESTAMENTARY PETITION NO. 1263 OF 2015:

4. List the Testamentary Petition for appropriate directions on 1st October 2021.

5. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)