

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 172 OF 2017
IN
TESTAMENTARY PETITION NO. 1646 OF 2017
WITH
INTERIM APPLICATION (L) NO. 5742 OF 2020
IN
TESTAMENTARY SUIT NO. 172 OF 2017**

Rosalina Fernandes Alias Reema Kishan Jadhav ...Plaintiff

Versus

Ivor Viegas ...Defendant

**Mr Aamir Khan, i/b V Shukla & Associates, for the Plaintiff.
Ms Rohini Pandit, for the Defendant.**

**CORAM: G.S. PATEL, J
DATED: 8th March 2021**

PC:-

1. I am making this order on the basis of the statements made to me by the learned Advocates.

2. I am told that Testamentary Suit No. 172 of 2017 in Testamentary Petition No. 1646 of 2017 (Testamentary Petition (L) No. 1505 of 2017) is to be dismissed as withdrawn.

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3. This necessarily means that the Petitioner is not propounding the Will dated 15th May 1979, said to have been the later Will. So be it.

4. The Petition is dismissed as withdrawn.

5. In view of this, Ms Pandit submits that the original grant of Letters of Administration with Will annexed issued on 16th February 1996 in respect of the earlier Will dated 7th September 1972 be returned to her. She had deposited that grant in Court pursuant to the order dated 30th January 2018.

6. The request is logical and is accepted.

7. The original Grant dated 16th February 1996 in Testamentary Petition No. 137 of 1995 in respect of the Will dated 7th September 1972 of Theodomiro Fransisco Severino Salvadore Viegas is to be returned to Ms Pandit on her making an application to that effect.

8. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)