

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 1479 OF 2015
WITH
CAVEAT (L) NO. 33 OF 2016**

Mandakini Madhukar Ugale	...Petitioner
<i>Versus</i>	
Milind Madhukar Ugale	...Caveator

Mr VS Kapse, i/b Kunal J Rane, for the Applicant/Petitioner.
Ms Manisha Mohammed, with Priyanka Pardeshi & Rita D Bhatia,
i/b RDB Legal, for the Caveator.
Mrs Chandan Bhatt, Company Registrar, in charge of Testamentary
Department, present.

CORAM: G.S. PATEL, J
DATED: 22nd March 2021

PC:-

Shephali
Mormare

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by Shephali
Mormare
Date: 2021.03.23
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1. There is a typographical error in the order of 21st February 2020. This is a petition for a Succession Certificate. It is opposed. Such a petition is not, according to our Rules, renumbered as a suit as would a contested petition for probate or letters of administration. A Succession Certificate petition, even if opposed, continues as a Testamentary Petition but with the opposition indicated or shown. The order of 21st February 2020 will thus have to be recalled. It stands recalled.

2. At this state both sides point out that nothing survives in the petition itself on account of an earlier order of 5th April 2017. Each of the three claimants has received a 1/3rd amount from the three fixed deposit accounts mentioned in paragraph 4 of the order of 5th April 2021.

3. There is, therefore, no purpose served in keeping the petition pending.

4. What remained to be stated in the order of 5th April 2017 was that not only was the Notice of Motion on which that order was made disposed of by that order, but effectively the petition itself stood disposed of.

5. Both sides are agreed that nothing survives in the Testamentary Petition. It is disposed of accordingly.

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

(G. S. PATEL, J)