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Date: 2023.03.16
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2048 OF 2023
IN
WRIT PETITION NO.3082 OF 2001**

WITH
INTERIM APPLICATION NO.2049 OF 2023

Martu Purushottam Nayak & Ors. ...Applicants

V/s.

Aviva Abraham Benjamin & Ors. ...Respondents

Mr. Aditya Bendre h/for Mr. S.S. Kanetkar for
Applicants.

Ms. Pooja Malik i/by Mr. N.R. Bubna for Respondent
No. 3.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 15th MARCH 2023**

P.C.:

1. By order dated 10th March 2023, leave to amend the Interim Application to bring on record all heirs and legal representatives of deceased Petitioner No.4 was granted. However now the learned Counsel appearing for the applicants state that Will dated 15th May 2009 of deceased Petitioner No. 4 was already probated and produces copy of the probate granted

in Petition No. 906 of 2022 by this Court. Therefore, there is no need to bring on record all heirs and legal representatives of deceased Petitioner No. 4.

2. The Interim Application No. 2048 of 2023 is allowed in terms of prayer clauses (a), (b) and (c).

3. Amendment be carried out within a period of two weeks from today.

4. The Interim Application No. 2048 of 2023 is disposed of in above terms with no order as to costs.

5. Interim Application No. **2049 of 2023** be placed on board on **6th April, 2023**.

(MADHAV J. JAMDAR, J.)