

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION NO.473 OF 2023
IN
TESTAMENTARY SUIT NO.50 OF 2014**

Mrs. Dulcine D'Souza	: Deceased
Mrs. Maria D'Souza	: Plaintiff
versus	
Mrs. Gladys Francis D'Souza	: Defendant
And	
Anthony George D'Souza and ors.	: Applicants.

Mr. Cesar Pereira for the Applicants.

CORAM : ARIF S. DOCTOR, J.
DATE : 28th MARCH 2023

P.C. :

1. Learned Counsel appearing on behalf of the Applicants submits that the Plaintiff has passed away on 30th December 2014. He submits that the Applicants are the legal heirs of the deceased Plaintiff. He therefore seeks leave to amend the plaint in Testamentary Suit No.50 of 2014 by bringing on record the Applicants in place and stead of the Plaintiff. He tenders the draft amendment. The same is taken on record and marked as "X" for identification.

2 Leave granted.

3. Amendment to be carried out forthwith. For amendment, re-
verification is dispensed with.

4. The Interim Application is disposed of.

5. Learned Counsel for the Applicants further submits that he has
instructions to withdraw the present Testamentary Suit in view of the fact that
the newly impleaded Applicants/Plaintiffs are not desirous of prosecuting the
present Testamentary Suit, and therefore, he seeks leave to withdraw the
present Testamentary Suit.

6. Upon amendment being carried out, leave to withdraw the
present Testamentary Suit is granted.

7. Testamentary Suit is accordingly dismissed as withdrawn.

8. Refund of Court Fees if any as per Rules.

(ARIF S. DOCTOR, J.)