

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

NOTICE OF MOTION NO.252 OF 2017
IN
TESTAMENTARY SUIT NO.83 OF 2010
IN
TESTAMENTARY PETITION NO.144 OF 2010

Raj Rani Rawal alias
Raj Rani Chamanlal Rawal : Deceased

In the matter between

Vijay Chamanlal Rawal : Plaintiff
versus
Deepak Chamanlal Ravval and anr. : Defendants.

WITH
CHAMBER SUMMONS (L) NO.234 OF 2019
IN
TESTAMENTARY SUIT NO.83 OF 2010
IN
TESTAMENTARY PETITION NO.144 OF 2010

Vijay Chamanlal Rawal : Applicant/Plaintiff

In the matter between

Vijay Chamanlal Rawal : Plaintiff
versus
Deepak Chamanlal Rawal and anr. : Defendants.

Malcom Siganporia a/w Ativ Patel, Darshit Dave, Harshad Vyas, Viloma Shah
i/by AVP Partners for the Plaintiff.

Advocate Lata Desai a/w Ms. Shreeya Pednekar i/by Dr. Pallavi Divekar for
Defendant No.2.

CORAM : ARIF S. DOCTOR, J.

DATE : 10th FEBRUARY 2023

P.C. :

1. The present Notice of Motion has been filed seeking dismissal of
the caveat filed by Defendant No.2 – Jyoti Vijay Bhasin.

2. Today when the matter was called, Learned Counsel appearing on
behalf of Defendant No.2 submits that she has instructions to withdraw the
caveat filed by Defendant No.2.

3. In view thereof, nothing survives in the present Notice of Motion
and the same is disposed of in terms of the present order.

4. Caveat of Defendant No.2 is therefore dismissed as withdrawn.

5. The present Chamber Summons is taken out seeking deletion of
name and address of Defendant No.2 from the array of the parties.

6. In the earlier part of the present order, I have passed an order whereby I have dismissed the caveat filed by Defendant No.2. In view thereof, this Chamber Summons would also have to be allowed in terms of prayer clause (a) which reads thus :-

“(a) That this Hon’ble Court be pleased to allow the present Chamber Summons, and to direct the Plaintiff/Original Petitioner to carry out the necessary amendments as set out in the Schedule of Amendment annexed hereto;”

7 Amendment to be carried out on or before 20th February 2023.

8 Re-verification is dispensed with.

9 Chamber Summons is accordingly disposed of.

10 Place the matter for framing of Issues on 21st February 2023.

(ARIF S. DOCTOR, J.)