

Shailaja

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

**TESTAMENTARY SUIT NO.100 OF 2022
IN
TESTAMENTARY PETITION NO.1335 OF 2020**

1. Nirmala Murli Relwani and another	]	Petitioners
Vs.		
Kamal Keswani	]	Caveator

.....

Ms. Rujuta Joshi i/b Monica Parikh, for Petitioner.

Ms. Suveena Shetty i/b Shrividya Venkatraman, for Caveator.

.....

CORAM : MANISH PITALE, J.

DATE : 3rd November, 2023.

P.C.

1. By an order dated 27th March, 2023, this Court recorded that the defendant does not have any opposition to the Will and in that light, it was observed that there was no reason why the Testamentary Petition cannot be proceeded.

2. It is brought to the notice of this Court that due to the filing of Caveat in the original Testamentary Petition, Testamentary Petition was converted into Testamentary Suit No.100 of 2022. In the light of the observations made in the order dated 27th March, 2023, Suit ought to have been disposed of converting the proceeding back into Testamentary

Petition, as such observation was made in the said order. There is substance in the contention raised on behalf of the plaintiff (Petitioner).

3. Accordingly, in the light of the defendant not opposing the Will, specifically recorded in the order dated 27th March, 2023, Testamentary Suit No.100 of 2022 is disposed of by converting the proceeding back to Testamentary Petition.

4. The Testamentary Department shall now proceed in accordance with law expeditiously.

[MANISH PITALE, J.]