

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO. 1367 OF 2002

Rekhaben S. Karia (Since decease) & Anr.

...Plaintiffs

Versus

Laxmi Tarun Kumar Khakhar & Ors.

...Defendants

**WITH
TESTAMENTARY SUIT NO. 27 OF 2005
IN
TESTAMENTARY PETITION NO. 124 OF 2005**

- Mr. Mahendra Ghelani a/w Mr. Sanyam Jain i/b Law Charter, for Plaintiffs in TS/27/2005 and Defendants in S/1367/2002.
- Ms. Sayali Phansikar a/w Ms. Aditi Tamhankar i/b Manndlik & Partners, for Plaintiff Nos.1a) and 1b) in S/1367/2002 and Defendant Nos.1a) and 1b) in TS/27/2005.

CORAM : MANISH PITALE, J.

DATE : 07th MAY, 2024

P. C. :

1. The original plaintiff in Suit No. 1367 of 2002 was the caveator – defendant in Testamentary Suit No. 27 of 2005. She expired and her legal representatives were brought on record in both the suits.
2. Today the learned counsel appearing for them, on instructions, seeks permission to withdraw Suit No. 1367 of 2002 and also seeks permission to withdraw the caveat in Testamentary Suit No. 27 of 2005.
3. In view of the above, Suit No. 1367 of 2002, is disposed of as withdrawn. All pending applications also stand disposed of.

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4. Court Fees shall be refunded as per rules.
5. In the light of the caveat being withdrawn, Testamentary Suit No. 27 of 2005, is converted back to the Testamentary Petition No. 124 of 2005. In the light of the withdrawal of the caveat, the testamentary petition is now an uncontested proceeding, and therefore, the testamentary petition is allowed and probate is granted.
6. The department shall issue the probate expeditiously.

(MANISH PITALE, J.)