

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

**TESTAMENTARY SUIT NO. 155 OF 2016
IN
TESTAMENTARY PETITION NO. 746 OF 2015**

Alazim Salim Kazani ... Plaintiff
Versus
Shirin Salim Kazani (Caveatrix) ... Defendant
Salim Himatbhai Kazani ... Deceased

**WITH
TESTAMENTARY PETITION NO. 386 OF 2017
WITH
WILL NO. 167 OF 2017
IN
TESTAMENTARY PETITION NO. 386 OF 2017**

Ms. Gita Shashtri i/by Mevalal Verma for Caveatrix/Defendant.

**CORAM: MANISH PITALE, J.
DATE : 5th MARCH 2024**

P.C. :

. In this suit, on 5th February 2024, there was no appearance on behalf of the plaintiff and this Court took note of the fact that the defendant has filed an independent testamentary proceeding in the form of Testamentary Petition bearing No. 386 of 2017, propounding a subsequent Will of the deceased.

2. The learned counsel for the defendant was present in Court on the said date. Hence, this Court adjourned the suit to be listed

today, as a matter of last chance for the plaintiff to appear before this Court to pursue the proceedings. It is to be noted that issues were framed as far back as on 20th December 2016, when the plaintiff was directed to file affidavit in lieu of examination-in-chief and compilation of documents. The said directions appear to have been complied with.

3. Even today, when the suit is called out for hearing, there is no appearance on behalf of the plaintiff, although the learned counsel for the defendant is present in Court.

4. In view of the above, the suit is dismissed for non prosecution.

MANISH PITALE, J.