

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO.188 OF 2019
IN
CAVEAT (L) NO.211 OF 2019
IN
TESTAMENTARY PETITION NO.1521 OF 2019

Michelle George Michael ... Applicant / Petitioner
Vs.
Shakuntala Jawaharlal Agarwal and others ... Respondents
and
George Michael s/o. V. O. Michael ... Deceased

Mr. Ravi P. Gadagkar i/b. Ms. Usha R. Gadagkar for Applicant / Petitioner.
Ms. Mili Thakkar a/w. Ms. Nipa Shah for Caveator Nos.1 to 5.

CORAM : MANISH PITALE, J.
DATE : MARCH 20, 2024

P.C. :

. Heard learned counsel for the parties.

2. At the outset, the learned counsel for the parties jointly submit that a typographical error has occurred in the order dated 26.02.2024 inasmuch as in paragraph 3 of the said order, instead of recording that a suit was filed by the caveators against the original owners in respect of the suit property, it was recorded that the suit was filed against the deceased.

3. In that light, the word 'deceased' in paragraph 3 of the said order shall be replaced with the words 'original owners'. Correction shall be carried out in the order dated 26.02.2024 and the corrected order shall be uploaded on the website.

4. By order dated 26.02.2024, this Court had permitted the petitioner to delete entry No.2 in the Schedule annexed to the petition. Accordingly, the amendment has been carried out and the property described at entry No.2 in the Schedule has been deleted. This property was the cause for grievance of the caveators. In fact in the order dated 26.02.2024, this Court had recorded the said aspect of the matter.

5. In view of the deletion of the said property at entry No.2 in the Schedule, the very cause for grievance of the caveators is taken away and in that light, the caveat is disposed of.

6. In the light of the above, the notice of motion is rendered infructuous and it is disposed of as such.

7. The department shall now proceed in the testamentary petition in accordance with law.

(MANISH PITALE, J.)

Minal Parab