

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**TESTAMENTARY AND INTESTATE JURISDICTION**  
**TESTAMENTARY PETITION NO. 5447 OF 2024**

Aziza Mahmood Mahate

...Petitioner

Mariyambi Ali Zagade alias Mariam Ali Zagade

...Deceased

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Mr. Prabhu Velar i/by Bina Shivhare for the Petitioner.  
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**CORAM : ARIF S. DOCTOR, J.**

**DATE : 13TH MARCH, 2025**

**P.C.-**

1. Learned Counsel for the Petitioner submits that the present Testamentary Petition was filed by the niece of the deceased, whereas, the same would require to be filed by the nephew of the deceased. He thus seeks leave to withdraw the present Testamentary Petition.

2. The captioned Testamentary Petition is thus dismissed as withdrawn.

3. Learned Counsel requests the Court fees paid on the present Petition be adjusted towards the Court fees on the Petition that is to be filed by the nephew of the deceased.

4. The Court fees that has been paid on this Petition is permitted to be adjusted fully against the fresh Petition.

**(ARIF S. DOCTOR, J.)**