

Amberkar

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

TESTAMENTARY SUIT NO. 309 OF 2025
IN
TESTAMENTARY PETITION NO. 3181 OF 2025

Vikramjit Krishen Rikhye .. Deceased

Sylviah Vikramjit Rikhye .. Plaintiff

Preeti Vikramjit Rikhye alias
Preeti Asher .. Caveator

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- Ms. Li Shufen i/by Mr. Suresh Chandrashekhar, Advocates for Plaintiff
 - Mr. Rubin Vakil a/w Mr. Robin Fernandes, Ms. Ashna Contractor, Mr. Sukrit Parashar & Mr. Aditya Shinde i/by M/s. Vesta Legal, Advocates for Caveator / Defendant
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 30, 2026

P. C.:

1. Heard Ms. Shufen, learned Advocate for Plaintiff and Mr. Vakil, learned Advocate for Caveator / Defendant.

2. Ms. Shufen seeks withdrawal of the Suit / Petition with leave to file fresh Petition.

3. Mr. Vakil opposes withdrawal of Suit / Petition on the ground that Caveator should be allowed to file affidavit in reply and clarify the factual position as stated in the Suit / Petition. In that regard, since leave and liberty is sought by Plaintiff / Petitioner, Plaintiff / Petitioner is directed that if any fresh Petition is filed, the same shall be served

upon the Caveator. Insofar as the Caveator's case is concerned, Mr. Vakil would submit that he would like to rely upon the factual admissions and assertions in respect of the Deceased and / or Caveator made in the Petition which are in favour of the Caveator as also contrary in law and therefore Court cannot allow the said Petition to be withdrawn in view of the O. XXIII, R. 1(3) of the Code of Civil Procedure, 1908.

4. Having regard to the leave and liberty sought hereinabove and without prejudice to the Caveator's right to rely upon the pleadings if and when required in future, this Court is not inclined to grant the request made by Mr. Vakil. The said request is, therefore, expressly rejected. Needless to state that all contentions of Plaintiff / Petitioner as well as Caveator are expressly kept open as available to them in law in all further proceedings.

5. With the above direction, Suit / Petition is allowed to be withdrawn and disposed of. In the event that the learned Advocate for the Plaintiff / Petitioner seeks transfer of the Court fees paid in the present Suit/Petition to a fresh Petition to be filed, the challan evidencing payment of such court fees in the present Suit/Petition shall be accepted by the Registry for the purposes of the said fresh Petition.