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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 5 OF 2005
IN
TESTAMENTARY PETITION NO. 226 OF 2004**

Mr. Reynold John D'Souza ...Plaintiff
Versus
Mrs. Rubey Cyril D'Souza & Ors. ...Defendants

Mr. Satish Ingle, i/b M/s. Eventa G. Gonsalves, for the Plaintiff.
Mr. Clive D'Souza, for the Defendants.

CORAM: G.S. PATEL, J
DATED: 22nd January 2015

PC:-

1. By an order dated 13th June 2012, a Chamber Summons filed by the Plaintiff was allowed on payment of costs of Rs. 10,000/-. It seems that the Plaintiff issued a cheque in the name of a party who lives abroad, i.e., one Anette H. Baretto. A cheque in this amount was sent to Mr. Clive D'Souza. Mr. D'Souza does not represent Ms. Baretto and did not do so at that time. He returned the cheque. The Plaintiff / Petitioner has not since made good or sent Mr. D'Souza a fresh cheque in replacement.

2. Unless, therefore, this amount of Rs. 10,000/- is paid and funds cleared on or before 30th January 2015, the Suit will stand dismissed without further reference to the Court. This may seem extreme, but it is not for parties to treat orders of the Court as if they are mere suggestions or recommendations.

3. List the Suit on 2nd February 2015 high on board.

(G. S. PATEL, J.)