

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

**INTERIM APPLICATION (L) NO.4355 OF 2025
IN
TESTAMENTARY PETITION NO.2162 OF 2018**

Maria A. D'Cruz ... Petitioner

Maria L. Correia ... Deceased

Ms. Priyanka V. Pandit for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 12TH MARCH 2025

P.C. :

1. Not on board. Mentioned. Taken on board.

2. At the outset, before the board was called, the Associate of this Court had informed all the Advocates waiting in the Court seeking circulation that only those matters which were extremely urgent were to be mentioned in terms of the notices published by this Court on 3rd January 2025 and 17th January 2025. The Advocates were also informed that in the event any matter was mentioned and it was found that the same was not urgent and contrary to the notices published, then not only would circulation not be granted but also

costs would be imposed and the matter would be listed after 6 months.

3. Despite the above, Ms. Pandit, Learned Counsel for the Petitioner mentioned the matter and tendered a praecipe, in which the reasons for seeking urgent circulation were set out as follows :

“This is with reference to the above captioned Testamentary Petition filed for administration of the estate of the deceased. During the pendency of the captioned proceedings, the Caveatrix has used undue influence in the society and transferred the name on the share certificate pertaining to the suit property without the knowledge and consent of legal heirs of the Deceased. By the captioned petition, the Petitioner seeks equal distribution of the estate of the deceased as per the Indian Succession Act 1925 and has thus filed the captioned interim Application for drawing up Preliminary Decree as per the law of succession governing the deceased, i.e. the Indian Succession Act 1925 where each legal heir shall be entitled to 1/5th share, right, title and interest in the suit premises. However, the Respondents seek to obviate the captioned petition and leave the distribution of estate infructuous.

BE PLEASED to circulate the papers and proceedings in the above captioned matter before His Lordship Mr. Justice Arif S. Doctor on ____ day of March 2025 when an application shall be made for directions. The Petitioner undertakes to give notice of the circulated date to the Respondent.”

4. It is to be noted that the above reasons did not make out a case of extreme urgency. Furthermore, the praecipe is also not in the prescribed format.

5. Hence list the matter after six months subject to payment of costs of Rs.5000/- to The High Court Employees Medical Welfare Fund, account details of which are as follows:

Bank Account Details :

Account name : The High Court Employees Medical Welfare Fund at Mumbai.

Bank Name and Branch : Bank of India, Mumbai (Main) Branch.

Account no. : 000120110001337.

IFSC Code : BKID0000001”

(ARIF S. DOCTOR, J.)