

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

**TESTAMENTARY SUIT NO.42 OF 2012  
IN  
TESTAMENTARY PETITION NO.64 OF 2011**

Dr.Govindaraja Venkatesh Iyengar .. Plaintiff  
Vs.  
A.R.Sampatkumar .. Defendant

**ORDINARY ORIGINAL CIVIL JURISDICTION  
SUIT NO.603 OF 2013**

Dr.Govindaraja Venkatesh Iyengar .. Plaintiff  
Vs.  
Sudhir Janardhan Raut & Ors. .. Defendants

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Mr.Avinash Joshi for the plaintiff.

Mr.Shakeeb Shaikh from the chamber of Mr.Shyam Mehta, Senior Advocate (for legal aid) for the defendant nos.1 to 5 in suit no.603 of 2013.

Mr.Ajay Fernandes i/by R.Peerbhoy for the defendant no.6 in suit no.603 of 2013.

Mr.A.R.Sampatkumar, defendant no.2 in suit no.603 of 2013 in person present.

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**CORAM : R.D. DHANUKA, J.**

**DATE : 23<sup>rd</sup> January 2019**

**P.C.:**

. Learned counsel for the plaintiff, defendant no.2 and the defendant no.6 in Suit No.603 of 2013 who is present in Court state that pursuant to the administrative order passed by the Hon'ble Chief Justice, both these proceedings are assigned to this Court.

2. Learned counsel from Chamber of Mr.Shyam Mehta, learned senior advocate who was requested to represent the defendant nos.1 to 5 by an order dated 3<sup>rd</sup> July 2018 informs this Court that he

does not want to continue in the matter in view of the defendant no.2 making allegations against Mr.Edavazhickal C. John who is the Secretary of the defendant no.6 society. He had agreed to appear for the defendant nos.1 to 5 on the condition that no allegations would be made against Mr.Edavazhickal C. John. The defendant no.2 however continues to make certain allegations against Mr.E.C. John. Statement is accepted.

3. This Court appreciates the assistance rendered by Shyam Mehta, learned senior advocate to the Court and the defendant nos.1 to 5.

4. The defendant no.2 who present in Court states that he would engage an advocate on behalf of the defendant nos.1 to 5 within one week from today. Statement is accepted.

5. Learned counsel for the defendant no.6 in suit no.603 of 2013 states that he will send a fresh bill showing the amount payable by the defendant nos.1 to 5 in respect of their occupation to his clients. The defendant no.2 states that the defendant nos.1 to 5 would pay the amount whatever is payable according to the defendant nos.1 to 5 out of the amount of bill raised by the defendant no.6 within one week from the date of raising the fresh bill without prejudice to the rights and contentions of both the parties. The defendant no.6 is directed to accept the amount if paid by the defendant nos.1 to 5 without prejudice to the rights and contentions of both the parties.

6. Place the matter on board on 4<sup>th</sup> March 2019.

***R.D. DHANUKA, J.***