

HARSHADA H. SAWANT
(P.A.)

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

TESTAMENTARY SUIT NO.73 OF 2019
IN
TESTAMENTARY PETITION NO.1459 OF 2018

Narshibhai Govind Patel

.. Plaintiff

Versus

Damayanti Chandulal Patel and Anr.

.. Defendants

-
- Mr. Gaurav Mehta a/w. Ms. Disha Mehta i./by Bilawala and Co.,
Advocate for Petitioner / Plaintiff.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 13, 2023

P.C.:

- 1.** Heard Mr. Mehta, learned Advocate appearing for the Plaintiff.
- 2.** Draft issues are already submitted on record as far as back on 18.09.2021. They are on the record and file of the Court.
- 3.** None appears for the Defendant / Caveator today.
- 4.** I have perused the pleadings with the able assistance of Mr. Mehta and I find that draft issues submitted are in order and in consonance with the pleadings. However to give one last opportunity to Defendant to remain present, I am adjourning the matter by one week.
- 5.** Defendant is directed to remain present either by herself or through her Advocate.

6. In the event if none appears for the Defendant, this Court shall proceed with finalising the issues and pass appropriate directions thereafter in respect of evidence of the Plaintiffs' witness.

7. Mr. Mehta would submit that Plaintiff No.2 i.e. one out of the two executors to the Will has expired in the interregnum on 28.04.2022. He has placed on record copy of death certificate dated 03.06.2022 issued by the Municipal Corporation of Greater Mumbai (N) Ward certifying that Keshubhai Punjabhai Patel i.e. Plaintiff No.2 has expired on 28.04.2022. The said death certificate is taken on record and marked 'X' for identification.

8. In view of the same, Mr. Mehta would submit that Plaintiff be allowed to delete the name of Plaintiff No.2 on the record and file of the Court. Leave granted as prayed for. It is directed that name of the Plaintiff No.2 be deleted. Amendment to be carried out forthwith. Re-verification is dispensed with. Amended copy of cause title be served on the Defendants.

9. Stand over to **20th June, 2023.**