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

MISCELLANEOUS PETITION (L) NO.17063 OF 2021

Sunita Kanu Mody & Ors.

...Petitioners

Versus

Neeta Vijay Vora Nee Gita Dhirajlal Mody
& Ors.

...Respondents

Mr. Gaurang C. Jhaveri, for the Petitioners.

Mr. Kunal Dwarkadas with Mr. Punit Damodar, Ms. Nikita Vardhan and Mr. Harsh Shah i/b. Kanga and Company for Respondent Nos.1 to 3.

Mr. D.S. Choudhari, Deputy Sheriff of Mumbai is present.

CORAM : R.I. CHAGLA J

DATE : 26TH NOVEMBER 2021

ORDER :

1. The learned Advocate appearing for the Respondent Nos.1 to 3 states that pursuant to the notice being issued on Respondent Nos.1 to 3 by the Office of Sheriff's Mumbai, the Respondent Nos.1 to 3 have entered an appearance.

2. The learned Advocate for the Respondent Nos.1 to 3

has sought time to file Affidavit in Reply to the Miscellaneous Petition. The Respondent Nos.1 to 3 shall file Affidavit in Reply within a period of two weeks from today.

3. The Sheriff's report No.77 of 2021 dated 24th November, 2021 has stated that in view of the previous order dated 26th October, 2021, a copy of notice issued by the Additional Prothonotary and Senior Master dated 18th / 22nd November, 2021 and a copy of Miscellaneous Petition (L) No.17063 of 2021 have been issued to the Respondents by email on 24th November, 2021. These have been annexed to the report dated 24th November, 2021. The Sheriff's report No.77 of 2021 is taken on record.

4. In view of the Respondent Nos.4 to 7 have not entered their appearance in spite of notice having been issued through Sheriff's office and which was evidenced in Sheriff's Report No.77 of 2021 dated 24th November, 2021, the Petition shall proceed in their absence unless they make appearance on the next date.

5. The learned Advocate for the Petitioner shall serve notice by email of the next date on the Respondent Nos.4 to 7.

6. The Petitioners are at liberty to file Affidavit in Rejoinder to the Affidavit in Reply upon being served with the same on or before 15th December, 2021.

7. The Advocates for Respondent Nos.4 to 7 will file their Vakalatnama within a period of one week from today.

8. The Miscellaneous Petition is adjourned to 17th December, 2021.

[R.I. CHAGLA J.]