

**BEFORE : MRS. C. J. BHATT,  
COMPANY REGISTRAR /  
TESTAMENTARY  
REGISTRAR**

**Date: 24th October, 2018**

**CALLED FOR DIRECTION :**

10 TP/1299/2012 ) T. Antony Koshy, Advocate for petitioner  
)  
) **P.C.:** Today, this matter is placed on my board for  
) direction. Perused Petition. Heard Ld. Advocate  
) for petitioner.  
)  
) In this matter, objection No. 4 regarding including  
) name of wife of deceased in Schedule of legal  
) heirs and to annex her consent or serve Citation  
) under Rule 399 or 400 is still pending.  
)  
) Mr. Koshy, Advocate for petitioner submits that  
) MJP/160 was filed for divorce in Family Court and  
) during the pendency of the petition, deceased  
) expired and petition was abated and disposed of.  
)  
) I have perused the proceedings as well as order  
) passed in MJP/160, as per order petition was  
) abated and disposed off. Hence, in my view  
) divorce between deceased and his third wife could  
) not be taken place and therefore, name of third  
) wife of deceased is required to be included in the  
) Schedule of legal heirs.  
)  
) Advocate for petitioner further submits that Cross  
) Petition No. 1260 of 2012 was taken out by the  
) said Juliana, who is third wife of deceased and  
) Caveat was filed therein by the present petitioner  
) was dismissed and petition is still pending.  
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CONTD.....

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10 TP/1299/2012 )  
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In view thereof, as two petitions are filed for the same deceased, office is directed to place both these matters for directions before the Hon'ble Court under Rule 407 of the High Court Original Side Rules, 1980.

**24.10.2018**

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**