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

**INTERIM APPLICATION (L) NO. 35904 OF 2024
IN
TESTAMENTARY SUIT NO. 105 OF 1998**

Vaibhav Dayabhai Patel ... Applicant

Vs.

Wavell Joseph Pereira & Ors. ... Respondents

Ms. Lalita L. Rajguru for Petitioner/Applicant.

CORAM : FARHAN P. DUBASH, J.

DATE : 17th JANUARY 2026

P.C.:

1. The present Interim Application seeks an order against the Respondents directing them to handover physical possession of Flat No. 305 and payment of outstanding rent for the period of January-2020 onwards and for further reliefs more particularly set out therein.

2. Ms. Lalita L. Rajguru, learned Counsel who appears on behalf of the Applicant submits that since the past several occasions, the Respondents are not appearing in the matter. She states that she has already served a copy of the present Interim Application on the Respondents and also thereafter given them notice of the listing of the present Interim Application from time

to time. Despite the same, the Respondents have not appeared in the matter.

3. Considering the above, one last opportunity is given to the Respondents. The Applicant is directed to inform the Respondents of the next date of listing of the matter. The Respondents are put to notice that, if they choose to remain absent on the next occasion, this Court will proceed to hear the Interim Application and pass necessary orders even in their absence.

4. Place the Interim Application for further consideration on 29th January 2026.

5. Applicant shall file an Affidavit-of-service to that effect on or before the next date.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil