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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1010 OF 2018
IN
APPEAL NO.43 OF 2017
IN
TESTAMENTARY SUIT NO.36 OF 2010
IN
TESTAMENTARY PETITION NO.856 OF 2009**

Shri. Deepak Girdharilal Matai ..Applicant

IN THE MATTER BETWEEN

Shri. Sunder Shahani ..Appellant

Versus

Shri. Deepak Girdharilal Matai and another ..Respondents

**Mr. V. Y. Sanglikar a/w Ms. Mrunalini Panchal I/by M/s. MRK
Law Associates, Advocate for the Applicant/Respondent No.1.**

**Mr. Tejas Vora a/w Mr. Sagar S. I/by Ms. Bina Shivhare,
Advocate for the Appellant.**

**CORAM : B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.
DATE : 4th DECEMBER, 2018**

P.C.

**1] If the prayer clause (b) in the Notice of Motion is
granted, we will be passing an order, which will be contrary to the
observations made by the Division Bench of this Court in the order
dated 28th September 2018.**

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2] If we do so, it will also be contrary to the judicial propriety. The Notice of Motion is therefore rejected.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]