

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 45 OF 2015
IN
TESTAMENTARY SUIT NO. 16 OF 1999
IN
TESTAMENTARY PETITION NO. 49 OF 1999**

Sudhakar V. Patil	...Applicant.
<i>In the matter between</i>	
Ahilyabai V. Patil	...Plaintiff
<i>Versus</i>	
Vandana H. More & Anr.	...Defendants

Ms. Sonali Punekar, i/b Mr. Vikas Mahangare, for the Applicant.

**CORAM: G.S. PATEL, J
DATED: 17th July 2015**

PC:-

1. Heard. For the reasons set out in the Affidavit in Support, the delay is condoned and the order dated 29th October 2014 is recalled. Testamentary Suit No. 16 of 1999 is restored to file.

2. The Plaintiff has passed away. The present Applicant, who is the Plaintiff's son, is allowed to be joined as Plaintiff. Leave to

amend. Amendment to be carried out on or before 27th July 2015. A copy of the amended Petition is to be served on the Advocate for the Defendants on or before 3rd August 2015.

3. This is the second time the matter is being restored after having been dismissed for default. I am making it clear that there will not, under any circumstances, be a third order of restoration. If the Petitioner and his Advocate are absent on any single further occasion without sufficient cause, the Suit will be summarily dismissed without further reference to the Court and will not thereafter be restored.

4. The Notice of Motion is disposed of in these terms with no order as to costs.

5. List the Suit for framing issues on 17th August 2015.

(G. S. PATEL, J.)