

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 11 OF 2012
IN
TESTAMENTARY PETITION NO. 823 OF 2007**

Kirti Rajmal Davada	..Petitioner
<i>Versus</i>	
Lalita Rajmal Davada	...Defendant

None for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 24th June 2016**

PC:-

1. The Petition was dismissed for default. That was by order dated 8th March 2011. The Motion is filed in December 2011 seeking that the order of dismissal be set aside and the Petition be restored to file. The Motion was adjourned to 30th January 2012 and yet again on 6th February 2012 and then again on 21st February 2012. It then came up several years later on 21st June 2016. By the time it reached, it was past 5.00 p.m. I did not, therefore, dismiss the Motion, but directed that it be placed high on the supplementary board, also making it clear that should the Petitioner remain absent again, I would dismiss the Motion.

2. The name of the Petitioner and his Advocate are correctly shown on the board. They are called out. None appears.
3. The Notice of Motion is dismissed. Consequently, the order dismissing the Petition stands.
4. Both the Notice of Motion and the Petition are disposed of in these terms.

(G. S. PATEL, J.)