

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
NOTICE OF MOTION NO. 37 OF 2016
IN
TESTAMENTARY PETITION NO. 210 OF 2012**

Sumana S. Chandavarkar & Anr.	...Petitioners
<i>Versus</i>	
Sunderbai Mangeshrao Bhatkal & Anr.	...Defendants

Mr. S.G. Mahamuni, *i/b Mr. Deepak Thakre, for the Petitioners.*
Ms. Aparna Harish Rane, *Caveator in person.*

CORAM: G.S. PATEL, J
DATED: 5th April 2016

PC:-

1. The Petition was filed on 13th September 2011. After the citation was served, even though the Petition was then still under objections, a caveat was lodged on 15th January 2015. The accompanying Affidavit in Support of the Caveat was filed on 22nd January 2015.

2. The Caveat having been filed, it was no longer possible for the Petitioner to remove any remaining objections. Yet, by a common order, the Petition came to be dismissed instead of being

renumbered as a Suit which should have been the normal course on that Caveat and Affidavit in Support being filed.

3. There is admittedly a delay in filing this Notice of Motion for restoration of Petition. However, having regard to the circumstances of the case, the Petition is restored to the file forthwith. It is now to be numbered as the Suit since the Caveator, Ms. Aparna Harish Rane, has filed a Caveat and Affidavit in Support.

4. The Court Fee has been paid.

5. List the Suit for framing issues on 22nd April 2016.

(G. S. PATEL, J.)