

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO.105 OF 2016
ALONG WITH
CHAMBER SUMMONS (L) 175 OF 2015
ALONG WITH
CAVEAT NO.342 OF 2015
IN
TESTAMENTARY SUIT NO.13 OF 1992
IN
TESTAMENTARY PETITION NO.51 OF 1992**

Ashok B. More	... Applicant
<i>In the matter between</i>	
Dilip Bajirao More & Ors.	... Plaintiffs
<i>Versus</i>	
Ashok Bajirao More	...Defendant

Mr. Prabhu Vellar, for the Applicants.

CORAM: G.S. PATEL, J
DATED: 20th June 2016

PC:-

1. This is a Notice of Motion that seeks, first, that a delay of 15 days in its filing be condoned; and, second, that an order of 8th

December 2015 dismissing Chamber Summons (L) No.175 of 2015 be recalled. That Chamber Summons sought that a delay of 10 days in filing the Caveat be condoned, and that an order dated 25th January 2016 dismissing the Caveat be set aside. In short, this is a delayed Motion that seeks the restoration of Chamber Summons that sought condonation of a delay in filing the Caveat.

2. There have been altogether too many defaults by the Caveator. I intend to condone them once and for all by this order, as a final opportunity. Consequently: the Notice of Motion is made absolute. The order of 8th December 2015 is recalled. Chamber Summons (L) No. 175 of 2015 is restored to file. It is called out and taken up forthwith. For the reasons set out in its Affidavit in Support, the Chamber Summons is made absolute. The order of 25th January 2016 is recalled. The delay in filing the Caveat is condoned. The Caveat is restored to file.

3. Thus, all delays are condoned and Caveat No.342 of 2015 is restored to file. The Affidavit in Support of the Caveat having been filed, the Petition will now be renumbered as Suit and be set down for framing issues on 5th August 2016.

4. All objections in the Caveat are to be removed on or before 1st July 2016 without any possibility of a time-extension.

5. This order disposes of Notice of Motion No.105 of 2016 and Chamber Summons (L) No.175 of 2016.

(G. S. PATEL, J.)