

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO.93 OF 2011
IN
TESTAMENTARY PETITION NO.1048 OF 2009

Vinod Thakurlal Shah	...Deceased
<i>In the matter between</i>	
Rupali Sunil Pandit	... Petitioner
<i>Versus</i>	
Narendra Thakorlal Shah	... Respondent

None, *for the Parties.*

CORAM: G.S. PATEL, J
DATED: 19th July 2016

PC:-

1. This Testamentary Petition was one of several that was subjected to a conditional order dated 8th March 2011. That order directed that all office objections were to be removed by 10th June 2011, i.e., within 90 days. The present Petitioner did not comply. The order was self-operative. The Petition, therefore, stood dismissed.
2. This Notice of Motion seeks restoration and therefore, a recall or setting aside of the order dated 8th March 2011.

3. None appears for the Petitioner. That, in itself, is sufficient to dismiss the Notice of Motion. However, I find on a careful consideration of the Affidavit in Support, that there is no reason given for the non-removal of the office objections in time.

4. Paragraphs Nos. 1 to 8 of the Affidavit in Support deal with the merits and make allegations that it was the Respondent who did not furnish certain information. In paragraph 8, it is alleged that the office objections could not be dealt with for want of this information. That was surely an application that needed to be made to Court in 2011, not something to be used as a justification to have the Petition restored.

5. Further, I am unable to see how, if the Petitioner still does not have that information, the Petition can be restored and its objections dealt with. The same situation will continue. The same objections will remain.

6. The Notice of Motion is without substance. It is dismissed with no order as to costs.

(G. S. PATEL, J.)