

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 245 OF 2016
IN
TESTAMENTARY PETITION NO. 956 OF 2012**

Sudhir Narandas Gajjar	...Deceased
<i>And</i>	
Mrs. Bindoba Sudhir Gajjar	...Petitioner

Mrs. B.S. Gajjar, *for the Petitioner-in-Person*

**CORAM: G.S. PATEL, J
DATED: 15th December 2016**

PC:-

1. The Applicant appears in person. She states that due to inadvertence and because she was not in India at that time and also since she resides in Ahmedabad and comes here only to attend this matter, she lost sight of the conditional order dated 22nd December 2014. There was consequent non-compliance and the Petition stood dismissed. By the time she found out, there was already a considerable delay. This is of 619 days.

2. I am inclined to accept these explanations simply because they are so candidly and fairly stated without attributing responsibilities or blame to any third party.

3. The Notice of Motion is made absolute in terms of prayers (a) and (b).

4. Testamentary Petition No. 956 of 2012 is restored file.

5. I, however, must put the Applicant to notice that she must be vigilant hereafter and that it will not be possible to continually or repeatedly overlooked further lapses. This especially so since the Applicant has an extensive background in law and in fact was at one point a serving Additional District Judge in Gujarat.

(G. S. PATEL, J.)