

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 123 OF 2011
IN
TESTAMENTARY PETITION NO. 82 OF 2005**

Prem Naraindas Sharma	...Petitioner
<i>And</i>	
Padma Nathuram Sharma	...Deceased

None for the Petitioner.

CORAM: G.S. PATEL, J
DATED: 21st June 2016

PC:-

1. This is the Petitioner's Motion. It seeks that an order of 17th August 2006 disposing the Petition be recalled and set aside. The Motion was filed on 3rd October 2011 and it seeks that a delay of 1832 days' in filing this Motion be condoned. It also seeks sixteen weeks' time to remove the office objections.
2. None appears for the Petitioner.
3. In my view, this Motion, and particularly prayer (b), which has the audacity to seek sixteen weeks to remove office objections after a delay of 1832 days, is sufficient reason to dismiss this Motion.

I am unable to find the Affidavit in Support of this Notice of Motion any explanation for such an inordinate delay. Paragraph 8 of the Affidavit, one that is sworn by the Petitioner's Advocate, makes matters worse; and in paragraph 7, without any hint of regret and remorse, the Advocate blithely asks for sixteen weeks to remove office objections, saying that this is "in the interest of justice". Indeed it is not.

4. The interest of justice demands instead that this Notice of Motion be dismissed. It is. There will be no order as to costs.

(G. S. PATEL, J.)