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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 221 OF 2016
IN
TESTAMENTARY PETITION NO. 128 OF 1983**

Dossabhoy Minocher Raja	...Petitioner
<i>And</i>	
Minocher D. Raja	...Deceased
<i>And</i>	
Behroz Dossabhoy Raja	...Applicant

Mr. S.U. Lakdawala, *for the Applicant.*

CORAM: G.S. PATEL, J
DATED: 13th October 2016

PC:-

1. Heard. For the reasons set out in the Affidavit in Support, and in particular paragraphs 5 to 8, which show that the Petitioner has been, despite the most trying in difficult circumstances, almost single-handedly looking after the family affairs, aged relatives and bringing up children, done whatever she was able in regard to essential applications filed in the Testamentary Department, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b).

2. I note that there is a considerable delay since the restoration sought of the Petition of 1983, one that is 33 years old already. Nonetheless I will allow it for the exceptional reasons set out in the Affidavit in Support. In particular, I note that the Applicant's late husband was solely attending to all these matters. After his demise, the Applicant had the responsibility of looking after her aged and ailing mother-in-law and two children. She was also required to then start attending to financial matters. Her requests for assistance with the Solicitors did not meet any helpful response. Then there was a question of her mother-in-law's deteriorating health and her sister-in-law migrating to USA. This left the Applicant alone to handle all these matters. In this time, the executor also migrated. The Applicant's mother-in-law passed away. The Applicant was required to explain all of this to the surviving executor, who also lives in USA and it is thereafter that since 2015 and in 2016 that the Applicant has been able to obtain necessary representations.

3. These are my reasons for condoning the delay in this matter.

(G. S. PATEL, J.)