

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 229 OF 2016
IN
TESTAMENTARY PETITION NO. 816 OF 2013**

Subhash Bhagwatiprasad Sharma	...Petitioner
<i>And</i>	
Bhagwatibai Pancholi	...Deceased

None for the Petitioner.

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

PC:-

1. This Notice of Motion is for restoration of the Petition of 2013. It was dismissed by a common order dated 5th May 2015, which gave time till 29th June 2015 to remove office objections. That not having been done, the Petition stood dismissed.

2. There is a considerable delay in filing this Notice of Motion. The prayer itself says that the delay is of 448 days. The Affidavit in Support of the Notice of Motion attributes the non-removal of office objections or lapses on the part of the Petitioner's previous Advocate, Mr. Sunil Jadhav.

3. Today, however, when the Notice of Motion is called at Sr. No. 16, Mr. Varun Shah, the present Advocate the Petitioner is not present either. It is only because this being the first day after reopening and since it is possible that Mr. Shah is held up in another Court, I will not dismiss this Notice of Motion.

4. I will allow the Notice of Motion as a final opportunity, provided all office objections are to be removed no later than by 9th December 2016. In default, the Petition will stand dismissed. It will thereafter not be restored to file under any circumstances.

(G. S. PATEL, J.)