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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 11 OF 2016
IN
TESTAMENTARY SUIT NO. 71 OF 1993
IN
TESTAMENTARY PETITION NO. 572 OF 1993**

Sadanand Dattatraya Nadkarni	...Applicant
<i>In the matter between</i>	
Sadanand Dattatraya Nadkarni	...Plaintiff
<i>Versus</i>	
Manohar Shantaram Kasbekar	...Defendant

Ms. Zenobia Irani, for the Applicant/Plaintiff.
Mr. K. S. Dubey, i/b V. K. Damle, for the Defendant.
Ms. Tejashree S. Gawde, Zohair & Col, for Defendants Nos. 2(a) & 3.

CORAM: G.S. PATEL, J
DATED: 10th August 2016

PC:-

1. This is the Plaintiff's Notice of Motion to set aside an order dated 4th August 2009 after condoning a quite extraordinary delay of 2290 days. There is a substantial Affidavit in Support. It makes for quite distressing reading especially in view of what is stated in paragraphs 7 to 10. I will not repeat or even summarize these

paragraphs in this order. It is sufficient to note that very serious allegations have been made against the partner of a firm of Solicitors. It is not easy or trivial to discard these allegations out of hand, particularly when there are averments made about the fee payments effected by cheque to that firm. I must also bear in mind that the Petitioner is over 84 years of age.

2. This Notice of Motion will have to be allowed. It is made absolute in terms of prayer clauses (a) and (b).

3. In view of the order in Chamber Summons No. 100 of 2016 permitting amendment to the cause title of this Notice of Motion to add Defendant No. 1A, an identical amendment will have to be carried out in the cause title of the Suit as well. That amendment is to be carried out on or before 19th August 2016 without need of re-verification.

4. Having regard to all these circumstances and as an exceptional case, I have restored the Suit. After this considerable delay, I will not be in a position to grant the Plaintiff any lengthy time or accommodation for the completion of the trial formalities. To that extent, the Plaintiff will have to adhere to a strict time schedule that will be set for the trial in this Suit.

(G. S. PATEL, J.)