

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
NOTICE OF MOTION NO.9 OF 2015  
IN  
MISCELLANEOUS PETITION NO.25 OF 1990  
IN  
TESTAMENTARY PETITION NO.402 OF 1987

|                                               |     |             |
|-----------------------------------------------|-----|-------------|
| Manjuben Chhaganlal Jogi                      | ... | Applicant   |
| In the matter of:                             |     |             |
| Ramnislal Amritlal Padia and another          | ... | Petitioners |
| Vs.                                           |     |             |
| 1. Amritlal Gordhandas Jajal (since deceased) |     |             |
| 2. Vijay Anant Gangan                         | ... | Respondents |

Mr. T. G. Voara i/b. Mr. D. R. Mishra for Applicant.  
Mr. Shailesh Naidu a/w. Mr. T. R. Yadav and Mr. Anikath Poojari i/b. C.R. Naidu and Co. for Respondent No.2.

**CORAM : R. G. KETKAR, J.**  
**DATE : AUGUST 18, 2017**

**P.C. :**

Heard Mr. Voara, learned Counsel for the applicant and Mr. Naidu, learned Counsel for the respondent No.2 at length.

2. By this Motion, the applicant has prayed for restoration of Miscellaneous Petition No.25 of 1990 after condoning the delay of 90 days in taking out the present Notice of Motion, among other prayers.

3. After arguing the Motion for quite some time, Mr. Voara seeks permission to withdraw this Motion with liberty to file fresh Motion on the same cause of action. He submits that all contentions of the applicant may be kept open.

4. Mr. Naidu also submits that in the event liberty is granted to the applicant to file fresh Motion, all contentions of the second respondent

may be kept open.

5. In view thereof, on the motion made by Mr. Voara, Motion is allowed to be withdrawn with liberty to file fresh Notice of Motion. All contentions of the parties on merits are expressly kept open. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*