

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 83 OF 2017
IN
PETITION NO. 562 OF 2010****Sunil Madanlal Sachdev** **Applicant****IN THE MATTER BETWEEN****Sunil Madanlal Sachdev** **Petitioner****Roshanlal Sehgal** **Deceased**

Ms.Disha Shetty, i/b. Mulla & Mulla & Craigie Blunt & Caroe for the Petitioner.

CORAM : R.D. DHANUKA, J.**DATE : 17th JULY, 2017****P.C.**

By this notice of motion, the applicant seeks condonation of delay of 1687 days in filing present notice of motion and seeks recall of the order dated 5th July, 2012 insofar as Testamentary Petition No.562 of 2010 is concerned.

2. Learned counsel appearing for the applicant invited my attention to the averments made in the affidavit in support of the notice of motion and particularly paragraphs 2 to 5 and submits that the applicant was all throughout under an impression that the earlier advocate had already removed all office objections. The applicant came to know for the first time when he contacted new advocate of the applicant.

3. Learned counsel for the applicant states that the new advocate has already complied with the office objections of the first notice and also as per the objections

raised in the final notice. The applicant has also filed affidavit of the attesting witness to the Will affirmed on 31st January,2017 and has been filed in court on 31st January,2017. She submits that all the office objections are already removed. Statement is accepted.

4. For the reasons recorded in the affidavit in support of the notice of motion, notice of motion is made absolute in terms of prayer clauses (a) and (b) subject to the condition that if any other office objections are remained to be removed, the same shall be removed within two weeks from today. It is made clear that if the objections are not removed within two weeks from today, Testamentary Petition No.562 of 2010 to stand dismissed without further reference to court. No order as to costs.

(R.D.DHANUKA, J.)