

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**NOTICE OF MOTION NO.86 OF 2017
IN
TESTAMENTARY SUIT NO.33 OF 2003
IN
TESTAMENTARY PETITION NO.124 OF 2003
WITH
TESTAMENTARY SUIT NO.33 OF 2003
IN
TESTAMENTARY PETITION NO.124 OF 2003**

Anila Krishnanand Maskeri & Anr. .. Applicants/Plaintiffs
Vs.
Shripad Kaushik Sharandar & Anr. .. Defendants

Mr.Manan Jaiswal i/by MLS Vani & Associates for the applicants/
plaintiffs.
Mr.Shailesh Kumar for the defendant no.2.

**CORAM : R.D. DHANUKA, J.
DATE : 20th June 2017**

P.C. :

. Learned counsel for the applicants states that photocopy of the unamended notice of motion was served upon the defendants. The defendant no.2 appears through his counsel in Court.

2. By this notice of motion, the applicants seeks recall of the order dated 24th November 2014 passed by this Court dismissing the Testamentary Suit No.33 of 2003 for default.

3. Learned counsel appearing for the defendant no.2 has no objection if the order dated 24th November 2014 passed by this Court is recalled.

4. I have heard the learned counsel for the applicants and have perused the affidavit-in-support of the notice of motion. I am satisfied with the explanation rendered in the affidavit-in-support of the notice of motion for recall of the order dated 24th November 2014 passed by this Court.

5. Notice of motion is made absolute in terms of prayer clause (a). The order dated 24th November 2014 is recalled. Testamentary Suit No.33 of 2003 is restored to file.

6. Place the testamentary suit on board for 'Directions' on 5th July 2017.

R.D. DHANUKA, J.