

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

***NOTICE OF MOTION NO.100 OF 2017
IN
TESTAMENTARY PETITION NO.270 OF 2013***

Mr.Gajanan Bhiku Gaikwad .. Deceased

Sarubai Gajanan Gaikwad .. Applicant/Petitioner

Mr.Mohd. Khan for the applicant.

CORAM : R.D. DHANUKA, J.

DATE : 20th June 2017

P.C. :

. By this notice of motion, the applicant seeks condonation of delay of 656 days in filing notice of motion and seeks recall of the common order dated 5th May 2015 passed by this Court in so far as the Testamentary Petition No.270 of 2013 is concerned.

2. I have heard the learned counsel for the applicant and have perused the averments made in the affidavit-in-support of the notice of motion. Learned counsel for the states that all office objections are removed by the applicant except two office objections in respect of which the judge's order is already filed by the applicant.

3. In view of the averment made in the affidavit-in-support of the notice of motion and after hearing the learned counsel for the applicant, I am satisfied that the applicant has made out a case for condonation of delay and recall of the common order dated 5th May 2015 passed by this Court in so far as the Testamentary Petition No.270 of 2013 is concerned.

6. Notice of motion is made absolute in terms of prayer clauses (a) and (b) in so far as the Testamentary Petition No.270 of 2013 is concerned. No order as to costs.

R.D. DHANUKA, J.