

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 85 OF 2014
IN
TESTAMENTARY SUIT NO. 22 OF 1998
IN
TESTAMENTARY PETITION NO. 626 OF 1996**

Mrs. Veera Joseph Meneze	]	Plaintiff
Vs.		
Sr. Nellie Menezes & Ors.	]	Defendants

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Mr. Sharmil Mhatre i/b Mr. Rohit Shetty, for plaintiff.
Ms. Lalita Ghadge i/b Mr. Pankaj Dwivedi, for defendants.

CORAM : R.G. KETKAR, J.

DATE : 14th AUGUST, 2017.

P.C.

Heard Mr. Mhatre, learned Counsel for the plaintiff and
Ms. Ghadge, learned Counsel for the defendants.

2. By this Motion, plaintiff has prayed for recalling the order dated 26th June, 2014, thereby, dismissing Testamentary Suit No. 22 of 1998 arising out of Testamentary Petition No. 626 of 1996, thereby, restoring suit to its original position.

3. A perusal of order dated 26th June, 2014 shows that none appeared for the plaintiff as also defendants. Testamentary Suit as well as Testamentary Petition were dismissed for want of prosecution.

4. For the reasons stated in the affidavit in support of the Motion, I am satisfied that applicant has made out a case for granting relief in terms of prayer clause (a). Hence, Notice of Motion is made absolute in terms of prayer clause (a). Testamentary Suit No. 22 of 1998 as also Testamentary Petition No. 626 of 1996 are restored to its original position. Order accordingly.

[R.G. KETKAR, J.]