

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

**NOTICE OF MOTION NO. 176 OF 2017
IN
TESTAMENTARY PETITION NO. 981 OF 2011**

Vrajlal Jivraj Patel & anr] Petitioners

.....
Mr. S.U. Lakdawala, for petitioners.

.....
CORAM : R.G. KETKAR, J.

DATE : 14th AUGUST, 2017.

P.C.

Heard Mr. Lakdawala, learned Counsel for the applicants.

2. By this Motion, petitioners have sought recalling of the order dated 28th August, 2013 passed by this Court [R.D. Dhanuka, J.] in Testamentary Petition No. 981 of 2011, thereby, restoring the said Petition to its original position after condoning delay of 1412 days in taking out the Motion.

3. Mr. Lakdawala had invited my attention to the Affidavit in support of the Motion dated 10th January, 2017 and in particular paragraph 2 thereof. He submitted that save and except service of citation upon Mr. Bhupendra Jivraj Patel, applicant has removed all office objections. He, therefore, submitted that

necessary application will be made by him for issuing citation within two weeks from today.

4. In view thereof and for the reasons set out in the affidavit in support of the Motion, I am satisfied that sufficient cause is made out for granting reliefs in terms of clauses (a) and (b). Notice is made absolute in terms of prayer clauses (a) and (b) with no order as to costs. Testamentary Petition No. 981 of 2011 is restored to its original position. The applicants shall take necessary steps within two weeks from today for issuing service of citation upon Mr. Bhupendra Jivraj Patel. Order accordingly.

[R.G. KETKAR, J.]