

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 181 OF 2017

IN

PETITION NO. 515 OF 2011

Shri Nikhil Sumant Mhatre] Applicant

IN THE MATTER BETWEEN

Smt. Leelavati Kamalakar Paralkar] Deceased

Nikhil Sumant Mhatre] Petitioner

.....
Mr. Jaydeep Shringare i/b M/s. Chitnis Vaithy & Co., for applicant.

CORAM : R.G. KETKAR, J.

DATE : 16th AUGUST, 2017.

P.C.

Heard Mr. Shingare, learned Counsel for the applicant at length.

2. By this Motion, petitioner has prayed for recalling the order dated 21st January, 2013 passed by this Court [Mrs. Roshan Dalvi, J.] in Petition No. 515 of 2011 after condoning delay of 1640 days in taking out Motion.

3. In support of this Motion, Mr. Shringare submitted that along with Petition, certified copy of the Will dated 8th November, 1993 executed by Smt. Leelavati Kamalakar Paralkar was annexed. Original will is transmitted by the Office of Joint District Registrar

Class-II [Record Section], Mumbai Suburban District to this Court. He has tendered photo copy of communication dated 12th February, 2013 to that effect which is taken on record and marked 'X' for identification. Mr. Shringare assures that after restoration of the Petition, he will remove all office objections within 4 weeks from today.

4. In view thereof and for the reasons set out in the affidavit in support of Motion dated 12th July, 2017, Motion is made absolute in terms of prayer clauses (a) and (b) with no order as to costs. Petition No. 515 of 2011 is restored to its original position. Petitioner to remove office objections within two weeks from today. Order accordingly.

[R.G. KETKAR, J.]