

Rahul Chandrakant Pandit	...	Deceased
Rohini Chandrakant Pandit	...	Applicant / Petitioner
Mr. B. G. Saraf for Applicant.		

CORAM : R. G. KETKAR, J.
DATE : SEPTEMBER 13, 2017

P.C. :

Heard Mr. Saraf, learned Counsel for the applicant.

2. Leave to amend so as to substitute second prayer clause (a) by prayer clause (a-1) is granted. Amendment shall be carried out forthwith. Re-verification is dispensed with.

3. By this Motion, petitioner has prayed for recalling the order dated 29.06.2015 and restoring Petition No.444 of 2013, after condoning the delay of 772 days in filing the Motion.

4. In support of this Motion, Mr. Saraf submitted that Rahul Chandrakant Pandit (for short 'deceased') died at Mumbai on 31.12.2010 leaving behind the petitioner and petitioner's grand-daughter Mukta Rahul Pandit born on 20.07.2005. He submitted that widow of the deceased remarried to one Nikhil Ambekar. He submitted that the deceased was working with the Pransukhlal Mafatlal Hindu Swimming Bath and Boat Club Trust (for short 'said Trust'). By Judge's Order No.60 of 2014 dated 09.05.2014, the said Trust was directed to deposit the money with Accounts Officer, High Court, Bombay and the Petitioner.

was disposed of on 29.06.2015. The said Trust, however, deposited that amount with the Accounts Officer, High Court, Bombay in the year 2017. He, therefore, submitted that the Petition may be restored as there was no fault on the part of the petitioner in the said Trust not depositing the amount in this Court in time.

5. In view thereof and for the reasons set out in the affidavit in support of the Motion, Motion is made absolute in terms of prayer clauses (a) and (a-1) with no order as to costs. Petition No.444 of 2013 is restored to its original file. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab