

## IN

PETITION NO.1583 OF 2014

|                            |     |                      |
|----------------------------|-----|----------------------|
| Umar Ayub Chaiwala @ Memon | ... | Deceased             |
| Rabal Basri Chaiwala       | ... | Applicant/Petitioner |

Mr. S. U. Lakdawala for Applicant.

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

**P.C. :**

Heard Mr. Lakdawala, learned Counsel for the applicant.

2. By this Motion, petitioner has prayed for recalling the order dated 02.05.2016 passed in Petition No.1583 of 2014 thereby restoring Petition to its original position, after condoning the delay of 400 days in taking out the Notice of Motion.

3. Mr. Lakdawala submitted that as the Petitioner's Advocate did not remove office objections, by conditional order dated 02.05.2016, Petition No.1583 of 2014 was dismissed for non-prosecution. He assures that after restoration of the Petition, he will remove all office objections within 10 weeks from today.

4. In view of the assurance 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 (b) with no order as to costs. Petition No.1583 of 2014 is restored to its original position. Petitioner shall remove all the office objections within 10 weeks from today.

(R. G. KETKAR, J.)