

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**NOTICE OF MOTION NO. 251 OF 2017
IN
TESTAMENTARY PETITION NO. 109 OF 2002**

Smt.Jatandevi Gulab Daga

...Petitioner/Applicant

Vs.

Kanchandevi Sanchaylal Daga

...Respondent

Mr.Mangesh Parte for Applicant.

Mr.Ajay Panickar I/b. Ajay Law Associates for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 3 NOVEMBER 2017

P.C. :

The notice of motion seeks recall of a rejection order passed on account of non-removal of office objections and restoration of the petition to file. The Respondent has no objection to the petition being restored to file.

2 It appears that both parties had overlooked the fact that the petition had stood rejected long time back on account of an administrative order. In fact despite this order, misc.proceedings in the petition have been prosecuted by both the parties without realising the disposal of the petition. In the premises, the order of rejection is recalled and set aside and the petition is restored to file. The notice of motion is disposed of accordingly.

3 Learned Counsel inform the court that their clients propose to settle the matter and terms of settlement are almost ready. Learned

Counsel for the Respondent waives service of citation on behalf of the Respondent.

4 The parties may tender consent terms on the next occasion.
S.O. to 16 November 2017 for settlement.

(S.C. GUPTE, J.)