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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.77 OF 2017

IN

TESTAMENTARY SUIT NO.132 OF 2015

IN

TESTAMENTARY PETITION NO.214 OF 2011

WITH

CHAMBER SUMMONS NO.62 OF 2017

Ashok Bhuralal Vyas

....Applicant

IN THE MATTER BETWEEN

Bhavesh Vasantrai Mehta

....Petitioner

vs.

Prakash Bhuralal Vyas & Ors.

....Respondents

....

Mr. V.P. Shastri, for the Applicant.

....

CORAM : S.C. GUPTE, J.

DATED: 30 OCTOBER, 2017

P.C. :

. Learned Counsel for the Applicant tenders a common rejoinder to the Chamber Summons and the Notice of Motion.

2. The present Notice of Motion seeks recall of an order of dismissal for non-compliance with the requisitions of the Court. There is a delay in taking out the present application. The delay is adequately explained in the affidavit in support of the Notice of Motion. For the

reasons stated, the delay is condoned and the order of dismissal is recalled and set aside and the Testamentary Suit is restored to file. The Petitioner shall now comply with all the requisitions of the Court. The Notice of Motion is disposed of accordingly.

3. In the meantime, the original Petitioner has withdrawn his appearance and the present Applicant has taken out a Chamber Summons for deletion of the name of the original Petitioner and impleadment of the Applicant in his place. The Respondents to the Chamber Summons, who oppose the Chamber Summons, are not present before the Court. With a view to give them one final opportunity, the Chamber Summons is stood over to 17 November 2017.

(S.C. GUPTE, J.)