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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 3041 OF 2016
IN
APPEAL (L) No. 432 OF 2016
IN
MISCELLANEOUS PETITION (L) No. 1742 OF 2015
IN
TESTAMENTARY PETITION No. 329 OF 2007

Nayan Engineer ... Applicant / Petitioner
Vs.
Kumud Jayant Engineer ... Respondent

Mr. Rajiv Narulla i/b Jhangiani Narula & Associates, for the Applicant
/ Appellant.

None for Respondent.

CORAM : V. M. KANADE, &
P. R. BORA, JJ.

DATE : MARCH 9, 2017

PC.

1. Heard the learned counsel appearing for the Applicant in the motion. For the reasons stated in para 4 of the the affidavit in support of the motion, the delay of 5 months and 10 days caused in filing the appeal is condoned. Notice of Motion No. 3041 of 2016 is accordingly allowed and disposed of in terms of prayer clause (a).

2. The learned counsel appearing on behalf of the Appellant submits that the learned Single Judge has not taken into consideration the contentions raised by him in respect of his entitlement to 1/4th share in cash and investment in business of Girgaum Workshop. We find that he had given share in cash component of the said garage. Hence, issue notice before admission R/o. 6th April, 2017. In the meantime, the impugned order is stayed.

Sd/-
[P. R. BORA, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath