

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 59 OF 2017
IN
SUIT NO. 34 OF 1994
IN
PETITION NO. 589 OF 1993

Nagin Chagan Patel Plaintiff
IN THE MATTER BETWEEN
Nagin Chagan Patel Plaintiff
VERSUS
Bima Chagan Bharwad & Ors. Defendants

Mr. Mandar Soman for the Applicant.

CORAM : R.D. DHANUKA, J.

DATE : 5th DECEMBER, 2018

P.C.

Mr.Soman, learned counsel appearing for the plaintiff invited my attention to the order dated 14th August,2017 passed by this court in Notice of Motion No.59 of 2017 recording the statement of Mr.Joshi, learned counsel for the plaintiff that the plaintiff seeks to engage another advocate.

2. By this notice of motion, the applicant seeks condonation of delay of 1034 days in filing notice of motion and for recall of the orders dated 10th March, 2008 and 31st March,2008. By an order dated 17th February, 2014 in Notice of Motion No. 57 of 2013 this court has already passed an order restoring the testamentary suit.

3. Learned counsel invited my attention to the receipt dated 24th February, 2014 issued by the High Court Legal Service Committee acknowledging receipt of payment of cost of Rs.5,000/- pursuant to the order passed by this court. It is thus clear that the applicant has already complied with the order passed by this court. The suit is already restored to file.

4. This notice of motion does not survive and is accordingly disposed of.

5. Issue notice upon the plaintiff to file Vakalatnama in favour of the new advocate within four weeks from today.

[R.D. DHANUKA, J.]