

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 213 OF 2017
IN
TESTAMENTARY SUIT NO. 42 OF 1999
IN
TESTAMENTARY PETITION NO. 1003 OF 1997**

Rajendra D Vaidya	...Applicant
<i>Versus</i>	
Suvarna P Vaidya & Ors	...Defendants

Ms Beena Menon, *for the Applicant.*

Mr Sameer R Jagtap, *I/b Jagtap & Jagtap Advocates, for the
Defendants.*

Mr Kedar Patil, *I/b P Garud, for Defendant No. 13.*

**CORAM: G.S. PATEL, J
DATED: 19th June 2018**

PC:-

1. The Testamentary Suit was dismissed along with some pending Notices of Motion No. 6 of 2017 and 7 of 2017 on 12th July 2017. The Affidavit in Support says in paragraph 16 that the Plaintiff and his Advocate inadvertently missed the listing of the case.

2. On that representation and as a final opportunity, the Motion is made absolute. The Petition, the Suit and all pending interim applications are restored to file.
3. I am told that evidence was partly recorded.
4. List the matter for directions on 1st August 2018.
5. It is made clear that if the Plaintiff are absent on that day, I will peremptorily dismiss the Suit and it will not be restored again under any circumstances.
6. The Notice of Motion is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)