

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

NOTICE OF MOTION NO.79 OF 2018
IN
TESTAMENTARY PETITION NO.2098 OF 2015

Rajkumar Lachhamandas Chhabria ...Applicant
vs.
Lachhmandas Pinjomal Chhabria (Deceased) ...Defendant
None for the Applicant

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Notice of Motion, the Applicant seeks condonation of delay of 385 days in filing of the Notice of Motion and for recalling of the order dated 9th January, 2017 passed by this Court dismissing various Petitions, in so far as the Petition No. 2098 of 2015 is concerned.

2. I have perused the averments made in the affidavit in support of the Notice of Motion. It is the case of the Applicant that the Applicant is a senior citizen and having several health ailments besides diabetes, pancreatic disorders and high blood pressure as disclosed in paragraph 5 of the affidavit. It is stated that the Applicant is not aware about the judicial procedure and was not

aware about the office objections of this Court.

3. The reasons recorded in the affidavit in support of the Notice of Motion, the delay in filing of Notice of Motion and the reasons for not removing the office objection within time prescribed are accepted. Notice of Motion is accordingly made absolute in terms of prayer clause (a) on the condition that the Applicant to remove the office objections within four weeks from today failing which the Petition 2098 of 2015 shall stand dismissed without further reference to the Court.

4. It is made clear that no further time will be granted.

(R.D. DHANUKA, J.)