

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

NOTICE OF MOTION NO.116 OF 2018
IN
TESTAMENTARY PETITION NO.1700 OF 2013

Sadanand Sahadev Bhatkar ...Applicant/Deceased
vs.
Sandeep Sadanand Bhatkar ...Petitioner
Mr. P.D. Pise, 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 1036 days in filing the Notice of Motion and recall of the order dated 5th May, 2015 passed by this Court dismissing the Testamentary Petition No.1700 of 2013 for various reasons for non complilance of the conditional order passed by this court.

2. The learned counsel for the Petitioner states that the office objections could not be removed due to unavoidable circumstances set out in the affidavit in support of the Notice of Motion.

3. There was delay of 1036 days in filing of the Notice of

Motion. Though some of the reasons are recorded in the affidavit in support of the Notice of Motion, the same are not satisfactorily, I am inclined to condone the delay subject to the Applicant paying the cost of Rs. 5,000/- to the High Court Law Library, Room No. 39, within two weeks from today.

4. The Notice of Motion is made absolute in terms of prayer clause (a) and (b) on the condition that the Applicant pays the cost of Rs. 5,000/- to the High Court Law Library within two weeks from today and if the Applicant removed all the office objection within four weeks from today.

5. It is made clear that if the aforesaid conditions are not complied with, the Testamentary Petition shall stand dismissed without further reference to the Court.

6. The receipt of payment of cost of Rs. 5,000/- be produced before the Associate of this Court.

(R.D. DHANUKA, J.)