

SHAILAJA

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 240 OF 2016
IN
TESTAMENTARY PETITION NO. 1775 OF 2014**

Sandhya Uday Aval	...Petitioner
<i>And</i>	
Uday Devidas Aval	...Deceased

Mr. Rohan S. Sawant, *i/b Akhlaque M.S. Solkar, for the Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 13th December 2016**

PC:-

1. For the reasons set out in the Affidavit in Support of the Notice of Motion for restoration, it is made absolute in terms of prayer clauses (a) and (b). The delay in taking out the Notice of Motion is condoned. The Petition is restored to file.

2. Prayer clause (c) in this Petition is that an additional 12 weeks time be given for removing office objections. This is despite the fact that the Petition is of 2014 and I have already extended time on 2nd May 2016 and that there is delay of 177 days in filing this very Motion.

3. Rather than imposing costs on the Petitioner or her Advocate, given the manner in which these applications are made, there is only one possible solution. The Department will not issue Letters of Administration for a period of one year after all objections are removed.

4. At this stage, Mr. Rohan Sawant states that the prayer for 12 weeks' time is not pressed and that all objections will be removed by 6th January 2017. This is accepted as a personal undertaking from the Advocate on record to ensure compliance.

5. It is directed that in default, the Advocate will be required to pay an amount quantified at Rs. 7,500/- on or before 13th January 2017, and which he accepts as reasonable in lieu of an order deferring.

(G. S. PATEL, J.)