

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 63 OF 2017

IN

TESTAMENTARY PETITION NO. 1372 OF 2011

Jayantilal Kanji Chavan] Applicant

IN THE MATTER BETWEEN

Mr. Jayantilal Kanji Chavan] Petitioner

Vs.

Kanjibhai Gela Chavan] Respondent

.....

Mr. Rajas Khobragade, for applicant.

.....

CORAM : R.G. KETKAR, J.

DATE : 14th AUGUST, 2017.

P.C.

Heard Mr. Khobragade, learned Counsel for the applicant.

2. Mr. Khobragade submitted that Testamentary Petition No. 1372 of 2011 was listed before this Court [Coram: Mrs. Roshan Dalvi, J.] on 1st October, 2014 for removal of office objections. Time of 8 weeks was granted for removal of office objections, failing which, Petition was to stand dismissed without further reference of the Court.

3. Mr. Khobragade submitted that all the office objections are now removed. He, therefore, submitted that order dated 1st October, 2014 may be recalled after condoning delay of 730 days in filing the Motion.

4. For the reasons set out in the affidavit in support of the Motion, I am satisfied that case is made out for recalling the order dated 1st October, 2014. More so, all the office objections are removed.

5. In view thereof, Notice of Motion is made absolute in terms of prayer clauses (a) and (b) with no order as to costs. Testamentary Petition No. 1372 of 2001 is restored to its original file.

[R.G. KETKAR, J.]