

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

***NOTICE OF MOTION NO.101 OF 2017
in
TESTAMENTARY PETITION (L) NO.343 OF 2016***

Mrs.Sara Ashok Naik	..	Applicant/Petitioner
Vs.		
Lily Nathalia Rego	..	Respondent

Ms.Archana Khan for the applicant/petitioner.
None for the respondent.

***CORAM : R.D. DHANUKA, J.
DATE : 29th June 2017***

P.C. :

. By this notice of motion, the applicant prays for setting aside the order dated 20th April 2016 passed by the Prothonotary and Senior Master in so far as Testamentary Petition (L) No.343 of 2016 is concerned.

2. Ms.Khan, learned counsel for the applicant invited my attention to the averments made in the affidavit-in-support of the notice of motion and submits that the Court fees was already paid within time. Challan, however, could be not produced due to unavoidable circumstances set out in the affidavit-in-support of the notice. She submits that all other office objections are removed.

3. For the reasons recorded in the affidavit-in-support of the notice of motion, the order dated 20th April 2016 passed by the

Prothonotary and Senior Master in so far as Testamentary Petition (L) No.343 of 2016 is set aside. Testamentary Petition (L) No.343 of 2016 is restored to file on the condition that the office objections, if any, shall be removed within two weeks from today. It is made clear that no further extension would be granted. It is also made clear that if the office objections are not removed within two weeks from today, Testamentary Petition (L) No.343 of 2016 to stand dismissed without further reference to the Court.

4. Notice of motion is made absolute in terms of aforesaid terms. No order as to costs.

R.D. DHANUKA, J.