

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

***NOTICE OF MOTION NO.74 OF 2017
in
TESTAMENTARY PETITION (L) NO.2024 OF 2016***

Smt. Bhikibai Bhikaji Tambe	..	Deceased
Smt.Ranjana Rajaram Tambe	..	Applicant/Petitioner

Mr.Kamalakar L. Koli for the applicant/petitioner.

***CORAM : R.D. DHANUKA, J.
DATE : 11th July 2017***

P.C. :

. By this notice of motion, the applicant seeks condonation of delay of 79 days in filing the notice of motion and prays that the conditional order dated 21st December 2016 passed by the learned Prothonotary and Senior Master be set aside in so far as the Testamentary Petition (L) No.2024 of 2016 is concerned and the applicant be granted two weeks' time to remove remaining office objections, if any.

2. Learned counsel for the applicant invited my attention to the averments made in paragraphs 5 to 7 of the affidavit-in-support of the notice of motion and would submit that for the reasons recorded therein, the applicant could not remove the office objections within the time prescribed by the learned Prothonotary and Senior Master and undertakes to remove remaining office objections within two weeks from today. Undertaking is accepted.

3. For the reasons recorded in paragraphs 5 to 7 of the affidavit-in-support of the notice of motion and in view of the undertaking rendered by the learned counsel for the applicant, in my view, the applicant has made out a case for reliefs prayed in prayer clauses (a) and (b).

4. I therefore pass the following order :-

- (i) Notice of motion is made absolute in terms of prayer clauses (a) and (b);
- (ii) Delay of 79 days in filing the notice of motion is condoned;
- (iii) The order dated 21st December 2016 passed by the learned Prothonotary and Senior Master is set aside, in so far as the Testamentary Petition (L) No.2024 of 2016 is concerned, on the condition that the applicant removes remaining office objections within two weeks from today;
- (iv) It is made clear that if the remaining office objections are not removed within two weeks from today, testamentary petition to stand dismissed without further reference to the Court;
- (v) Notice of motion is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.