

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

***NOTICE OF MOTION NO.82 OF 2012
in
TESTAMENTARY PETITION NO.642 OF 2007***

Maria Joseph Chettiar		
S/o Muthu Swamy Chettiar	..	Deceased
George Joseph Chettiar & Ors.	..	Applicants/Petitioners

None for the applicants/petitioners.

***CORAM : R.D. DHANUKA, J.
DATE : 20th June 2017***

P.C. :

. None appears for the applicants when the matter was called out.

2. By this notice of motion, the applicants seek condonation of delay of 217 days in filing notice of motion and seek recall of the common order dated 8th March 2011 passed by this Court in so far as the Testamentary Petition No.642 of 2007 is concerned.

3. A perusal of the affidavit-in-support of the notice of motion indicates that it is the case of the applicant that the office objections are already complied with. When the common order was passed by this Court, neither the applicants nor their advocate had any notice of the said order. Large number of the matters were kept together and a common order came to be passed. The applicants have explained the delay of 217 days in filling the notice of motion.

4. I therefore pass the following order :-

- (i) Notice of motion is made absolute in terms of prayer clauses (a) and (b).
- (ii) The order dated 8th March 2011 passed by this Court is recalled in so far as the Testamentary Petition No.642 of 2007 is concerned.
- (iii) The applicants are directed to remove office objections, if any, within four weeks from today. If the office objections are not removed within four weeks from today, the testamentary petition shall stand dismissed without further reference to the Court.
- (iv) There shall be no order as to costs.

R.D. DHANUKA, J.