

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 70 OF 2017****IN****TESTAMENTARY PETITION NO. 1509 OF 2013****Indrajeet Juneja & Ors.****..... Applicants/Petitioners****IN THE MATTER BETWEEN****Siri Ram Juneja****S/o.Lala Nihar Chand Juneja****alias Sriram Juneja alias Siriram Juneja****alias Ram Juneja****..... Deceased****Indrajeet Juneja & Ors.****..... Petitioners**

Mr.Aniket Ransubhe, a/w. E. Gour, i/b. Mr.Mrugank Shah for the Applicants/Petitioners.

CORAM : R.D. DHANUKA, J.**DATED : 28th JUNE, 2017****P.C.**

By this notice of motion, the applicants seek condonation of delay of 604 days in filing notice of motion and recall of the order dated 5th May, 2015 passed by this court dismissing the testamentary petition for non-compliance of the office objections under Rule 435 of the High Court Original Side Rules.

2. Learned counsel appearing for the applicants invited my attention to the averments made in paragraphs 3 and 4 of the affidavit in support of the notice of motion and submits that for the reasons recorded therein, the applicants could not remove office objections within the time granted by this court. He submits that most of the office objections are already removed. He undertakes to remove all

other office objections within eight weeks from today. Undertaking is accepted.

3. For the reasons recorded in the affidavit in support of the notice of motion, order dated 5th May, 2015 is recalled insofar as Testamentary Petition No.1509 of 2013 is concerned. Testamentary Petition No.1509 of 2013 is restored to file on the condition that the applicants remove the office objections within the time stipulated. It is made clear that no further extension would be granted. If the office objections are not removed within eight weeks, petition to stand dismissed without further reference to court.

4. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]