

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 90 OF 2017****IN****TESTAMENTARY PETITION NO. 1204 OF 2014****Awadhararain Ramdeo Tiwari****..... Deceased****Vinayak Awadhnarain Tiwari****..... Petitioner**

Mr.Kapil Shetye, i/b. Mr.Pravin V.Desai for the Petitioner.

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

By this notice of motion, the applicant seeks condonation of delay of 303 days in filing notice of motion and seeks recall of the order dated 2nd May, 2016 passed by this court insofar as Testamentary Petition No.1204 of 2014 is concerned. Learned counsel submits that most of the office objections are already removed and undertakes to remove the remaining office objections within eight weeks from today.

2. In view of the explanation rendered in paragraphs 4 to 6 of the affidavit in support of the notice of motion, delay of 303 days in filing notice of motion is condoned. Order dated 2nd May, 2016 is recalled insofar as Testamentary Petition No.1204 of 2014 is concerned on the condition that the applicant removes all office objections within eight weeks from today. It is made clear that no further extension would be granted. It is made clear that if the office objections are not removed within eight weeks from today, Testamentary Petition No.1204 of 2014 to stand dismissed without further reference to court.

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

[R.D. DHANUKA, J.]