

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 80 OF 2017****IN****TESTAMENTARY PETITION (L)NO. 1822 OF 2016****Rajesh P. Joshi****..... Petitioner****Hemkuver Shantilal Shanghavi****..... Deceased**

Ms.Hemani Thakkar for the Applicant.

CORAM : R.D. DHANUKA, J.**DATE : 4th JULY, 2017****P.C.**

By this notice of motion, the applicant seeks condonation of delay of 126 days in filing the notice of motion and prays that the conditional order passed by the learned Prothonotary and Senior Master on 29th November,2016 dismissing the testamentary petition under Rule 986 of the Bombay High Court, Original Side Rules be set aside.

2. Learned counsel appearing for the applicant states that all the office objections are already removed except payment of court fees which his client undertakes to pay within one week from today. The undertaking is accepted.

3. The order dated 29th November,2016 passed by the learned Prothonotary and Senior Master in Testamentary Petition (L)No.1822 of 2016 under Rule 986 of the Bombay High Court, Original Side Rules is set aside on the condition that the applicant pays the court fees within one week from today and shall remove all other office objections if any, within the same time prescribed. If the court fees is

not paid and all other objections if any, are not removed within one week from today, Testamentary Petition (L)No.1822 of 2016 to stand dismissed without further reference to court.

4. Notice of Motion No.80 of 2017 is accordingly made absolute in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)