

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 121 OF 2017

IN

TESTAMENTARY PETITION NO. 1827 OF 2014

Salim Fakih] Applicant/Petitioner

.....
Mr. D.R. Mishra, for the applicant.

.....
CORAM : R.G. KETKAR, J.

DATE : 14th AUGUST, 2017.

P.C.

Heard Mr. Mishra, learned Counsel for the applicant.

2. By this Motion, applicant has prayed for recalling the order dated 2nd May, 2016 passed by this Court [G.S. Patel, J.] in Petition No. 1827 of 2014 after condoning delay of 276 days in taking out this Motion. Mr. Mishra submitted that the Petition was dismissed for non compliance of office objections under Rule 435 of the High Court (Original Side) Rules. Only office objection was non publication of the notice. Save and except the said objection, applicant has removed all the office objections. He assures that after restoration of the Petition, he will remove office objections within 4 weeks.

3. In view thereof and for the reasons set out in the

application, I am satisfied that applicant has made out case for granting reliefs in terms of prayer clauses (a) and (b). Notice of Motion is made absolute in terms of prayer clauses (a) and (b) with no order as to costs. Testamentary Petition No. 1827 of 2014 is restored to its original position. Applicant shall remove office objections within two weeks from today.

[R.G. KETKAR, J.]