

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 135 OF 2017****IN****PETITION NO. 769 OF 2015****Khanderao Vitthal Shingade****..... Petitioner****Vitthal Ramji Shingade****..... Deceased**

Mr.Niranjan Kulkarni, i/b. Mr.Jitendra Oak for the Petitioner.

CORAM : R.D. DHANUKA, J.**DATE : 17th JULY, 2017****P.C.**

By this notice of motion, the applicant seeks condonation of delay of 70 days in filing present notice of motion and seeks recall of the order dated 9th January, 2017 passed by this court insofar as Testamentary Petition No.769 of 2015 is concerned.

2. Learned counsel appearing for the applicant states that all office objections are already removed except the issuance of citation on the next of kins for grant of Letters of Administration. He submits that if this court restores the petition, the applicant would comply with the said office objection within three weeks from today. Statement is accepted.

3. For the reasons recorded in the affidavit in support of the notice of motion and in view of the undertaking rendered by the learned counsel on behalf of the applicant that the office objections would be removed within three weeks from today, notice of motion is made absolute in terms of prayer clauses (a) to (c) on the

condition that the applicant removes all office objections within three weeks from today. It is made clear that if the objections are not removed within three weeks from today, Testamentary Petition No.769 of 2015 to stand dismissed without further reference to court. It is made clear that Order dated 9th January, 2017 is recalled only insofar as Testamentary Petition No.1306 of 2013 is concerned. No order as to costs.

(R.D.DHANUKA, J.)