IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T. & I. J.

NOTICE OF MOTION NO. 143 OF 2017
IN
TESTAMENTARY PETITION NO. 443 OF 2013

Smt.Sushila Tribhovandas Valia ….. Deceased

Pankaj Tribhovandas Valia & Anr. ….. Petitioners

Mr.Ganesh Ambekar, i/b. Ms.Vaishali Choudhari for the Applicants.

CORAM : R.D. DHANUKA, J.

DATE : 17th JULY, 2017

P.C.

Learned counsel appearing for the applicants seeks leave to amend prayer clause (a). Leave to amend is granted. Amendment to be carried out forthwith.

2. By this notice of motion, the applicant seeks condonation of delay, if any, in filing the notice of motion and seeks recall of the order dated 5th May, 2015 (inadvertently mentioned as 29th June, 2015) passed by this court. Learned counsel appearing for the applicants states that only four objections are remained to be removed which is setout in paragraph (3) of the affidavit in support. He submits that the said objections would be removed within two weeks from today. Statement is accepted.

3. For the reasons recorded in the affidavit in support of notice of motion, notice of motion is made absolute in terms of prayer clauses (a) and (b) on the condition that the remaining objections are removed within two weeks from today. Delay in filing notice of motion is condoned. The order dated 5th May,2015 is

recalled insofar as Testamentary Petition No.443 of 2013 is concerned on the condition that all office objections are removed within two weeks from today.

4. If all office objections are not removed within two weeks from today, Testamentary Petition No.443 of 2013 to stand dismissed without further reference to court.

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

(R.D.DHANUKA, J.)