

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 178 OF 2017

IN

TESTAMENTARY PETITION NO. 1616 OF 2014

Ms. Jean Ann Gago] Applicant/Petitioner

In the matter of:

Mr. Cajetan Mathias Bartolomeu Gago] Deceased

Ms. Jean Ann Gago] Petitioner

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Mr. Aniket Ransubhe i/b Mrugank & Basutkar, for applicant.

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CORAM : R.G. KETKAR, J.

DATE : 14th AUGUST, 2017.

P.C.

Heard Mr. Ransubhe, learned Counsel for the applicant.

2. By this Motion, the applicant has prayed for recalling the order dated 2nd May, 2016 passed in Testamentary Suit No. 1616 of 2014 passed by this Court [Coram: G.S. Patel, J.] after condoning delay of 423 days in taking out the present Motion.

3. Mr. Ransubhe invited my attention to the affidavit dated 27th June, 2017 in support of this Motion and in particular paragraph 3 thereof. He submitted that after restoration of the

Petition, the applicant will remove office objections within 10 weeks from today. He assures that applicant will not apply for extension of time.

4. In view thereof and for the reasons set out in the affidavit in support of Motion, I am satisfied that applicant has made out case for granting reliefs in terms of prayer clauses (a) and (b) with no order as to costs. Testamentary Petition No. 1616 of 2014 is restored to its original position. Applicant shall remove office objections within ten weeks from today.

[R.G. KETKAR, J.]