

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION***

***NOTICE OF MOTION NO.167 OF 2017
in
TESTAMENTARY PETITION NO.1840 OF 2012***

Usha Shivshankar Samel & Anr. .. Applicants/Petitioners

Mr.Deepak Thakare a/w Ms.Priyanka Chavan for the applicants.

***CORAM : R.D. DHANUKA, J.
DATE : 31st July 2017***

P.C. :

. By this notice of motion, the applicants seek condonation of delay of 227 days in filing notice of motion and seek recall of the order dated 25th October 2016 passed by this Court dismissing various testamentary petitions in so far as the Testamentary Petition No.1840 of 2012 is concerned.

2. Learned counsel appearing for the applicants states that the office objections could not be removed within the time granted by this Court due to unavoidable circumstances and undertakes to remove all office objections within eight weeks from today. Undertaking 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 applicants, delay in filing the notice of motion is condoned. The order dated 25th October 2016 passed by this Court is recalled in so far as the Testamentary Petition No.1840 of 2012 is concerned.

4. Testamentary Petition No.1840 of 2012 is restored to file on the condition that the applicants remove the office objections within eight weeks from today. It is made clear that if the office objections are not removed, Testamentary Petition No.1840 of 2012 to stand dismissed without further reference to the Court. It is made clear that no further extension would be granted.

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

R.D. DHANUKA, J.