

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 172 OF 2017

IN

PETITION NO. 1203 OF 2015

Shanaya Iqbal Abdulla] Applicant

IN THE MATTER BETWEEN

Iqbal Abdulali Abdulla] Deceased

Shanaya Iqbal Abdulla] Petitioner

.....
Mr. Prabhu Velar, for applicant.

CORAM : R.G. KETKAR, J.

DATE : 14th AUGUST, 2017.

P.C.

Heard Mr. Velar, learned Counsel for the applicant.

2. By this Motion, applicant has prayed for recalling the order dated 9th January, 2017 passed by this Court [Coram: K.R. Shriram, J.] in Testamentary Petition No. 1203 of 2015, thereby, restoring Testamentary Petition for condoning delay of 159 days in taking out the present Motion.

3. Mr. Velar submitted that earlier Advocate has not removed office objection, hence Petition was dismissed for non

removal of office objections under Rule 435 of Original Sides Rules, High Court, Bombay. He, therefore, prays for setting aside the order by condoning delay of 159 days in taking out the present Motion. He assures that after restoration of the Petition, he will remove office objections within 8 weeks from today and will not seek further extension.

3. In view thereof and for the reasons set out in the affidavit in support of the Motion, I am satisfied that applicant has made out sufficient cause for granting relief in terms of prayer clauses (a), (b) and (c). Hence, Motion is made absolute in terms of prayer clauses (a) to (c). Testamentary Petition No. 1203 of 2015 is restored to its original position. Applicant has to remove office objections within 8 weeks from today.

[R.G. KETKAR, J.]