

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

**NOTICE OF MOTION NO.197 OF 2017**  
**IN**  
**TESTAMENTARY PETITION NO.330 OF 2015**  
**WITH**  
**CHAMBER SUMMONS NO.156 OF 2017**  
**IN**  
**TESTAMENTARY PETITION NO.330 OF 2015**

|                      |               |
|----------------------|---------------|
| Soli Cawasji Masani  | ....Deceased  |
| vs                   |               |
| Jimmy Dorabji Masani | ...Petitioner |

**IN BETWEEN**

|                                                 |              |
|-------------------------------------------------|--------------|
| Sunil Jimy Masani                               | ...Applicant |
| ....                                            |              |
| Mr. Prabhu Velar, for the Applicant/Petitioner. |              |

....  
**CORAM : S.C. GUPTE, J.**

**DATED: 13 NOVEMBER, 2017**

**P.C. :**

. By a self-operative common order dated 24 February 2017, this Testamentary Petition has been rejected for non-removal of office objections. There is a delay of 131 days in taking out the present Notice of Motion. It is the case of the Applicant, who is the daughter of the Petitioner, that office objections could not be removed, since the Petitioner was keeping unwell for a long time. It is submitted that the Petitioner finally succumbed to his illness on 24 March 2017, i.e. in about a month of the passing of the self-operative order. The Notice of

Motion seeks a condonation of delay, recall of the order of rejection and also leave to amend the petition so as to bring on record legal heirs of the deceased Petitioner. There is a Chamber Summons moved simultaneously, which sets out the amendment to be carried out as per the schedule to the Chamber Summons. For the reasons stated, the delay is condoned, the order of rejection dated 24 February 2017 is recalled and set aside and the Testamentary Petition is restored to file. Leave to amend the petition in terms of prayer clause (a) of the Chamber Summons. The period of three weeks mentioned in prayer clause (a) shall, however, stands amended to “a period of four weeks”. The Notice of Motion and the Chamber Summons are disposed of accordingly.

**( S.C. GUPTE, J. )**