

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 18 OF 2016****IN****TESTAMENTARY PETITION (L)NO. 1051 OF 2015****Salvador Rosario D'Souza****..... Deceased****Bhagwat Devidayal****..... Petitioner****Mr.Kayval Shah for the Applicant.****CORAM : R.D. DHANUKA, J.****DATED : 28th JUNE, 2017****P.C.**

By this notice of motion, the applicant seeks condonation of delay of 32 days in filing the notice of motion and seeks setting aside the conditional order passed by the learned Prothonotary and Senior Master on 15th September, 2015 dismissing the testamentary petition for non removal of the office objections by the applicant.

2. Mr.Shah, learned counsel appearing for the applicant states that office objections could not be removed due to the financial difficulties of the applicant and thus the applicant was unable to pay the court fees and remove office objections as stated in the affidavit in support of the notice of motion. He undertakes to remove all office objections within three weeks from today.

3. In view of the undertaking rendered by the learned counsel for the applicant to remove office objections within three weeks from today, I am inclined to condone the delay of 32 days in filing notice of motion and to set aside the order

dated 15th September, 2015 passed by the learned Prothonotary and Senior Master.
I, therefore, pass the following order :-

(a) Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (c) on the condition that the applicant removes all the office objections within three weeks from today.

(b) It is made clear that no further extension would be granted. If the office objections are not removed within three weeks, Testamentary Petition (L) No.1051 of 2015 to stand dismissed without further reference to court. No order as to costs.

[R.D. DHANUKA, J.]