

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

NOTICE OF MOTION NO.44 OF 2017

IN

PETITION NO.1627 OF 2016

(Shirish Chandrakant Hate Vs. Sushila Chandrakant Hate)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Siddhesh Pilankar for Applicant / Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 11TH AUGUST, 2017

P.C.:

Heard Mr. Pilankar, learned Counsel for the applicant / petitioner.

2. This Motion is taken out for setting aside the order dated 31.08.2016 passed by the Prothonotary and Senior Master thereby restoring the Testamentary Petition (L) No.1627 of 2016 to its original position after condoning the delay of 92 days in filing the Motion. Mr. Pilankar submitted that office has raised objections as regards - (i) non-payment of Court fees, (ii) non-supply of official translation and (iii) not filing legible copies of certain documents. He assures that after restoration of the proceedings, he will remove office objections within four weeks from today and will not seek further extension of time. He states that notices are yet to be issued in the

Petition.

3. In view thereof and for the reasons set out in the affidavit in support of Motion, Motion is made absolute in terms of prayer clauses (a) and (b) with no order as to costs. Testamentary Petition (L) No.1627 of 2016 is restored to its original position. Applicant shall remove office objections within four weeks from today and will not seek further extension of time. It is made clear that in case applicant does not remove office objections within stipulated period, the order dated 31.08.2016 passed by the Prothonotary and Senior Master shall stand revived without further reference to the Court. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab