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

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**INTERIM APPLICATION NO. 1 OF 2020
IN
TESTAMENTARY PETITION NO. 909 OF 2016**

Zenobia Percy Kaikobad @ Zenobia Boman
Bharucha

...Applicant

In the matter of

Boman Dinshawaji Bharucha

...Deceased

Zenobia Percy Kaikobad @ Zenobia
Boman Bharucha

...Orig. Petitioner.

.....

Mr Prabhu Velar for the petitioner.

.....
**CORAM : B. P. COLABAWALLA, J.
9th DECEMBER, 2020.**

P.C. :

This Interim Application is filed for restoration of the above Testamentary Petition which was dismissed by virtue of an order dated 2nd May, 2018. This order extended the time for removing the office objections to 29th June, 2018 and if the office objections were not removed by that date the petition was to stand dismissed. The learned advocate appearing on behalf of the applicant/ petitioner stated that the objections raised by the Testamentary Department in this petition was that the consent

affidavit of the applicant's sister was not filed along with some other minor objections. He stated that the said objections could not be removed as the previous advocate of the applicant/ petitioner did not inform the applicant / petitioner about the said fact and hence the above petition came to be dismissed. The learned advocate submitted that the applicant/ petitioner should not be made to suffer due to the inaction of her previous advocate. He has further submitted that no prejudice would be caused if the petition is restored as now he has obtained the consent affidavit of the sister of the applicant/petitioner and this is really an uncontested petition.

2 Having heard the learned advocate appearing on behalf of the applicant, I think one final opportunity ought to be given to the applicant/ petitioner, considering the fact that this petition is an uncontested petition. In these circumstances, the application is allowed and the delay of 660 days is condoned. The order dated 2nd May, 2018, insofar as it relates to the present petition, is set aside and the above petition is restored to file. The office objections, if any, shall be removed by the advocates for the applicant/ petitioner within a period of four weeks from today failing which this Interim Application and the above petition shall stand dismissed without further reference to the Court. The Interim Application is disposed of

in the aforesaid terms. No order as to costs.

3 This order shall be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned shall act on production by fax or e-mail of a digitally signed copy of this order.

(B. P. COLABAWALLA ,J.)