

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
NOTICE OF MOTION NO. 66 OF 2017
IN
TESTAMENTARY PETITION NO. 1015 OF 2013

Shyamlal Dattadin Kalwar

..... Deceased

IN THE MATTER BETWEEN

Kashinath Shyamlal Kalwar & Ors.

..... Petitioners

Mr.Vilas Mali for the Petitioners/Applicants.

CORAM : R.D. DHANUKA, J.

DATE : 27th FEBRUARY, 2019

P.C.

Matter is mentioned. Not on board. On the application of the learned counsel appearing for the applicant, taken on record.

2. By this notice of motion, the applicant seeks recall of the order dated 5th May,2015 passed by this court dismissing the Testamentary Petition No.1015 of 2013 in view of the non-compliance of the conditional order passed by this court.

3. By a separate order passed by this court today in Notice of Motion No.126 of 2018, this court has already granted four weeks time to the applicant to remove office objections having satisfied that the applicant has made out a case for grant of time for removal of the office objections. The applicant has already rendered an undertaking before this court to remove all office objections.

4. In view of such order, I am inclined to recall the order passed by this Court on 5th May, 2015 insofar as Testamentary Petition No.1015 of 2013 is concerned.

5. It is made clear that if the office objections are not removed within four weeks from today, the Testamentary Petition No.1015 of 2013 to stand dismissed without further reference to court.

6. Delay in filing in notice of motion is sufficiently explained and thus deserves to be condoned.

7. Notice of motion is made absolute in terms of prayer clauses (a) and (b) subject to the aforesaid condition. No order as to costs.

[R.D. DHANUKA, J.]