

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

NOTICE OF MOTION NO.136 OF 2018
IN
TESTAMENTARY PETITION NO.61 OF 2015

Sayali Sunil Urankar ...Applicant
and
Sunil P. Urankar @ Sunil Urankar ...Deceased

Ms. Megha Rane, for the Applicant

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Notice of Motion, the Applicant seeks condonation of delay of 379 days and recall of the order dated 9th January, 2017 passed by this Court dismissing the Testamentary Petition No. 61 of 2015 on the ground of non removal of office objection.

2. The learned counsel for the Applicant invited my attention to the averments made in the affidavit in support of Notice of Motion and submits that the office objection was only in respect of Court fees. The Applicant has also annexed the death certificate of previous advocate Mr. Subhashchandra Krishnaji Sawant at Exhibit B.

3. In my view, the delay in filing the Notice of Motion is sufficiently explained. The learned counsel for the Applicant undertakes to remove all the office objections within three weeks from today. Undertaking is accepted.

4. The order dated 9th January, 2017 passed by this Court in Testamentary Petition No. 61 of 2015 is recalled on the condition that the Applicant to remove all the office objections within three weeks.

5. It is made clear that no further extension of time will be granted.

6. If the office objections are not removed within three weeks, the Petition shall stand dismissed without further reference to the Court.

7. The Notice of Motion is allowed in the aforesaid terms.

8. No order as to costs.

(R.D. DHANUKA, J.)