

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

NOTICE OF MOTION NO.260 OF 2018
IN
TESTAMENTARY PETITION NO.2095 OF 2015

Nitesh Paul Parmar ...Applicant
and
Mary John Waghela ...Deceased

Ms. Ekta Pednekar I/b. Mr. S.U. Masurkar, 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 60 days and recall of the order dated 2nd May, 2018 passed by this Court dismissing the Testamentary Petition No. 2095 of 2015 on the ground of non removal of office objection.

2. Heard learned counsel for the Applicant and perused the averments made in the affidavit in support of the Notice of Motion. The learned counsel for the Applicant states that all office objections are already removed. Statement is accepted.

3. For the reasons recorded in the affidavit in support of the Notice of Motion, the Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (c).

4. It is made clear that if office objections are not removed within time prescribed, the Petition No. 2095 of 2015 shall stand dismissed without further reference to the Court. It is made clear no further extension of time will be granted.
5. On the aforesaid conditions, the order dated 2nd May, 2018 is recalled in so far as Testamentary Petition No. 2095 of 2015 is concerned.
6. The Notice of Motion is allowed in the aforesaid terms.
7. No order as to costs.

(R.D. DHANUKA, J.)