

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

NOTICE OF MOTION NO.50 OF 2018
IN
TESTAMENTARY PETITION NO.1538 OF 2015

Deepak Laxmikant Goregaonkar ...Applicant

vs.

Sitabai Shankarrao Parelkar @
Sitabai S. Parelkar

...Respondent

Mr. Rahul R I/b. Ms. Varsha Palav, for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Notice of Motion the Applicant seeks condonation of delay of 253 days in filing of the Notice of Motion for recalling of the order dated 9th January, 2017 passed by this Court in so far as the Testamentary Petition No. 1538 of 2015 is concerned.

2. It is the case of the Applicant that the Applicant could not remove the office objection due to unavoidable circumstances set out in the affidavit in support of the Notice of Motion and the non compliance was neither deliberate nor intentional. The Applicant also explained the delay of 253 days in filing of the Notice of Motion in the affidavit in support of Notice of Motion.

3. For the reasons recorded in the affidavit in support of Notice of Motion, the Notice of Motion is made absolute in terms of the prayer clause (a) and (b) subject to the condition that office objections be removed within four weeks from today.

4. It is made clear that no further time will be granted.

5. If the office objections are not removed within the period of four weeks, the Petition No.1538 of 2015 shall stand dismissed without further reference to the Court.

6. The order dated 9th January, 2017 is recalled on the aforesaid condition in so far as the Petition No. 1538 of 2015 is concerned.

(R.D. DHANUKA, J.)