

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 249 OF 2019
IN
TESTAMENTARY PETITION NO. 1646 OF 2015**

Kanta Chandrashekar Bangera ...Petitioner

Gokulabai Basappa Magade Alias Gokulabai B ...Deceased
Magade

Mr SU Lakdawala, *for the Petitioner.*

**CORAM: G.S. PATEL, J.
DATED: 27th January 2021**

PC:-

1. Mr Lakdawala seeks to have an order dated 9th January 2017 dismissing the Testamentary Petition for non-removal of office objections set aside. He also seeks that a delay of 970 days in making this application be condoned.

2. I will allow both prayers only because of the next prayer, which is for withdrawal of the Testamentary Petition itself.

3. Accordingly, the Interim Application is made absolute in terms of prayer clauses (a), (b) and (c).

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4. Refund of the Court fees in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

5. A Certified Copy of the Will may be issued to the Petitioner only at his request.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)