

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

**INTERIM APPLICATION NO.1477 OF 2020
IN
TESTAMENTARY PETITION NO.2164 OF 2019**

Ronnie Sequeira ...Applicant/Petitioner

In the matter of:-

Mrs. Shirley Theresa de Souza

Ronnie Sequeira ...Deceased.

Mr. Aniket Ransubhe i/by Johnson John for Applicant/Petitioner.

CORAM : R. I. CHAGLA, J.

DATED : 29th JULY, 2022.

P.C.

1. Heard learned counsel for the Applicant/Petitioner.
2. By this Interim Application, the Applicant is seeking condonation of delay of 120 days for filing the Interim Application and for restoration of the Testamentary Petition which came to be rejected by the conditional order dated 25th September 2019, passed by the Prothonotary and Senior Master of this Court for non-removal of office objections under Rule 986 of the Original Side Rules.

3. The Applicant/Petitioner has stated that most of the objections have been complied with including filing of Affidavits of attesting witness with Administration Bond of the Applicant/Petitioner. However, on 13th September 2019, by the common conditional order passed by the Prothonotary and Senior Master of this Court on 25th September 2019, the Testamentary Petition came to be dismissed for non-removal of office objections.

4. I have considered the averments in the Interim Application as well as submission of the learned Advocate for the Applicant/Petitioner. Though the reason for delay in filing the Interim Application has not been mentioned, given the fact that this is a Testamentary Petition for grant of probate and that steps have been taken in the Testamentary Petition including filing of Affidavits of attesting witness together with Administration Bond of the Applicant/Petitioner, in the interest of justice, the relief sought for in the Interim Application requires to be granted. Hence, the following order is passed:-

(i). The delay of 120 days is condoned.

(ii). The Testamentary Petition is restored to file by recall of conditional order dated 25th September 2019,

insofar as it concerns the above Testamentary
Petition.

(iii). The Applicant/Petitioner shall comply with the office
objection within a period of three weeks from the date
of this order, failing which the Testamentary Petition
shall stands rejected without reference to this Court.

(iv). The Interim Application is disposed of in the above
terms.

(R. I. CHAGLA, J.)