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

INTERIM APPLICATION NO.450 OF 2022
IN
TESTAMENTARY PETITION (L) NO.874 OF 2021

Clifford Louis Fernandes ...Petitioner

Versus

Rosemary Fernandes alias Rosemary Louis ...Deceased
Fernandes

Ms. Brenda D'Souza for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 25TH MARCH, 2022

ORDER :

1. Heard learned Advocate for the Petitioner.
2. By this Interim Application, the Applicant has sought condonation of delay of one day in paying requisite Court Fees as per common order dated 8th September, 2021 passed by the Additional Registrar (O.S.) / Additional Prothonotary and Senior Master.

3. The Petitioner was to remove the office objections and to pay Court Fees within a period of three weeks from the uploading of the Common Order dated 8th September, 2021.

4. Considering the submissions of the learned Advocate for the Applicant / Petitioner and the averments in the Interim Application and particularly taking note of the fact that the delay is only of one day in payment of requisite Court Fees as per Common Order dated 8th September, 2021 and that the challan has been issued which is at Exhibit A to the Interim Application, a case is made out for grant of relief as sought for in the Interim Application. Hence the following order:-

(i) The delay of one day in payment of requisite Court Fees as per Common Order dated 8th September, 2021 passed by the Additional Registrar (O.S.) / Additional Prothonotary and Senior Master is condoned.

(ii) The Testamentary Petition is restored to file.

(iii) The Petitioner shall remove office objection within a

period of three weeks from today.

(iv) The Testamentary Department shall accept the filing of the challan by the Petitioner provided the Challan is filed within a period of one week from today.

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

[R.I. CHAGLA J.]