

Ajay

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

**INTERIM APPLICATION NO. 2264 OF 2023
IN
TESTAMENTARY PETITION NO. 726 OF 2010**

Kaushik Amrutlal Shah

.. Applicant

IN THE MATTER :

Lilavati Amrutlal Shah

.. Deceased

Kaushik Amrutlal Shah

.. Petitioner

- Ms. Tanvi Darji i/by Bhave & Co. for the Applicant / Petitioner.

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 07, 2023.

P.C.:

- 1.** Not on Board. Mentioned. Taken on Board.
- 2.** Heard Ms. Darji, learned Advocate for the Applicant / Petitioner.
- 3.** Perused the praecipe dated 07.08.2023 and Interim Application.
- 4.** The present Interim Application has been filed by the Applicant / Petitioner for seeking restoration of the Testamentary Petition which came to be dismissed by common order dated 05.07.2012 at Exhibit "A" page No.12 of the Application for non removal of the office objections. The averments are made in paragraph

Nos.5 to 9 of the Interim Application. The parties / litigant cannot be allowed to suffer the consequences of non removal of office objections by their Advocate. Reasons for the delay have been adequately explained. They stand accepted. The delay of 3953 days therefore stands condoned.

5. For the reasons mentioned in the Interim Application, Interim Application stands allowed in terms of prayer clauses 'a', 'b' and 'c' which read thus:-

- "a) This Hon'ble Court be pleased to condone the delay of 3953 days in filing the present Interim Application.
- b) This Hon'ble Court be pleased to allow the Interim Application herein and set aside the Order dated 05th July, 2012 passed by the Hon'ble Justice Roshan Dalvi, High Court Bombay.
- c) This Hon'ble Court be pleased to restore the Testamentary Petition No. 726 of 2010 to its original status and allow the Applicant to remove the objections and comply the same to proceed in the said matter."

6. Time to remove the office objections stands extended by a further period of eight weeks from today.

7. Testamentary Petition is restored to the file and record of the Court.

8. With the above directions, Interim Application is disposed.

[MILIND N. JADHAV, J.]

Ajay