

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.1880 OF 2019
IN
TESTAMENTARY PETITION NO.1263 OF 2013**

Meera Maheshchandra Patnaik ... Applicant

In the matter of :-

Mrs. Kalavati Suresh Desai ... Deceased

And

Meera Maheshchandra Patnaik ... Petitioner

Mr. Karan Salvi a/w Mr. Shubham Agrahari i/by Anoma Law Group LLP for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH FEBRUARY 2023

P.C. :

1. The present Interim Application seeks to recall the order dated 05/05/2015, by which Testamentary Petition No.1263 of 2013 came to be dismissed.

2. It appears from perusal of the said Application that (i) there is no explanation or justification stating any reason why the Applicant was unable to comply with the office objections which laid to the order dated 05/05/2015 being passed and (ii) there is nothing on record explaining why the present

Interim Application has been moved after a period of approximately four years from the date of the order of which recalled is sought.

3. However, since the Interim Application sets out that the Applicant is the sole executor of the last Will and Testament of one Kalavati Suresh Desai and by and under the said Will the entire estate of the deceased comprises of one apartment was to be bequeathed to the charity, I find that, in the interest of justice, the Interim Application deserves to be allowed and the Testamentary Petition to be restored to its file.

4. Therefore, the Interim Application is allowed in terms of prayer clauses (a), (b), and (d), which read as follows :-

- “(a) This Hon’ble Court be pleased to recall the order dated 5th May 2015;*
- (b) This Hon’ble Court be pleased to restore the Testamentary Petition No.1263 of 2013 to its original file;*
- (c) This Hon’ble Court be pleased to grant four weeks’ time to the Applicant for removing office objections, if any;*
- (d) This Hon’ble Court be pleased to condone the delay of 1594 days”*

5. However, in respect of prayer clause (c) is concerned, time for removing office objection is granted for two weeks only. It is made clear that however if the office objections and all requisitions are not complied with

within a period of two weeks from the date of passing of the present order, the Testamentary Petition shall be dismissed without further reference to the Court.

6. Interim Application is accordingly disposed of in terms of the above order.

(ARIF S. DOCTOR, J.)