

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

**INTERIM APPLICATION NO.358 OF 2023
IN
TESTAMENTARY PETITION NO.1014 OF 2019**

Ramamoorthy Mahadeva Iyer : Deceased

**Lakshmi Ramamoorthy Iyer @
Shushila Ramamoorthy Iyer : Petitioner.**

Mr. V K Rajbhar for the Applicant/Petitioner.

**CORAM : ARIF S. DOCTOR, J.
DATE : 07th FEBRUARY 2023**

P.C. :

1. The present Interim Application has been filed for seeking restoration of Testamentary Petition No.1014 of 2019.

2. Learned Counsel for the Applicant/Petitioner submits that the said Testamentary Petition came to be dismissed pursuant to the Notice dated 25th April 2022 by which period for complying with the office objections/requisitions in Testamentary Petitions filed in the year 2017, 2018 and 2019 was extended for further period of eight weeks from 26th April 2022.

3. Learned Counsel for the Applicant submits that since the Applicant was a Senior Citizen and not keeping good health, she could not contact her advocate, and therefore, the petition came to be dismissed for non-compliance of office objections.

4. I have heard Learned Counsel for the Applicant. I have perused a copy of the Interim Application. A Medical Certificate has also been relied upon by the Applicant which supports the contention that the Applicant is of infirm health and she is at advanced age.

5. Given this position and in the interest of justice, I am inclined to grant one last chance to the Applicant to comply with the office objections.

6. Interim Application is therefore allowed in terms of prayer clauses (a) and (b) which read as under :-

(a) That this Hon'ble Court be pleased to condone the delay of 164 days for filing this application

(b) That this Hon'ble Court be pleased to restore the Testamentary Petition No.1014 of 2019.

7. The Applicant to remove office objections on or before 28th February 2023. It is made clear that in the event the office objections are not

removed within the aforesaid stipulated period, the said Testamentary Petition shall stand dismissed for non-prosecution without further reference to the Court.

8. Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)