

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.734 OF 2023
IN
PETITION NO.2686 OF 2019

Rajesh Surajmal Dakle

... Applicant
(Orig. Petitioner)

In the matter between

Chandrabhan Rupchand Dakle alias

Chandrabhan Rupchand

... Deceased

Rajesh Surajmal Dakle

... Petitioner

Ms. Seema Hunnurkar for the Applicant/Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH MARCH 2023

P.C. :

1. The present Interim Application seeks restoration of Testamentary Petition No.2686 of 2019.

2. Learned Counsel for the Applicant points out that the said Testamentary Petition came to be dismissed pursuant to the common order dated 05/04/2022. She submits that the only objection was that the consent affidavits of the legal heirs have been signed by the Power of Attorney holder of

the respective legal heirs and not the legal heirs of the deceased, as more particularly set out the same in Paragraph 4 of the Interim Application.

3. I have heard learned Counsel for the Applicant and perused the Interim Application. In view of the above, there is no impediment in granting the present Interim Application. Hence, the Interim Application is allowed to the extent of restoration of Testamentary Petition No.2686 of 2019 only.

4. The matter is placed on board on 17/04/2023, on which date, learned Counsel shall satisfy the Court as to why the requisition of the Testamentary Registrar should be dispensed with?

5. The Interim Application is disposed of accordingly.

(ARIF S. DOCTOR, J.)