

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

INTERIM APPLICATION NO. 1399 OF 2023
IN
TESTAMENTARY PETITION (LODGING) NO. 2832 OF 2017

Vithalrao Dasappa Lakshmain

...Deceased

Smt. Shantha Vithalrao Lakshmain & Anr.

...Applicants/Petitioners

* * *

• Adv. S.N. Pillai, for Applicants/Petitioners.

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CORAM : MANISH PITALE, J

DATE : 08th JANUARY, 2024.

SHRIKANT
SHRINIVAS
MALANI

P. C. :

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by SHRIKANT
SHRINIVAS
MALANI
Date: 2024.01.09
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1. By this application, the applicants are seeking restoration of the petition, which stood dismissed on 27th February, 2018, due to non removal of office objections.

2. It is stated that one of the objections was non payment of Court Fees.

3. In the application it is stated that applicant No. 1 is a senior citizen and that applicant No. 2 resides outside Mumbai and they could not follow up on the matter, as a consequence of which, the petition stood rejected under Rule 986 of the Bombay High Court (Original Side) Rules, 1980.

4. Although there is considerable delay in moving the present application, this Court is of the opinion that the applicants would have nothing to gain by moving the present application after

considerable delay.

5. It would be in the interest of justice that the application is allowed, subject to the applicants removing office objections within two weeks from today.

6. The application is allowed. Delay in moving the application is condoned. The petition stands restored, subject to the office objections being removed, within two weeks from today.

(MANISH PITALE, J.)