

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 02nd July, 2024

FOR ISSUANCE OF CITATION :

33. TP/2990/2024 P. C. : Shri. Rudra Dani a/w Shri. Viral Dilip Shukla i/b Shukla & Associates Ld. Advocate for the Petitioner

1. Perused Petition. Ld. Advocate for the petitioner submitted that the amendment in the title of the petition has been carried out in pursuance of the order dated 17.04.2024 passed by the Hon'ble Prothonotary and Senior Master. He further submitted that he moved the another praecipe dated 17.04.2024 for speaking to the minutes (dated 17.04.2024). The Hon'ble Prothonotary passed an order on 09.05.2024 and it is clarified that order dated 17.04.2024 is self explanatory and Scrutiny Office to allow the Ld. Advocate for the petitioner to remove the office objections.

2. In this petition, it appears that on 27.03.2023 the amendment order has been granted in favour of the petitioner which was supposed to be carried out within six weeks from the date of uploading of the order. However, petitioner could not carry out the amendment, within stipulated period. Hence, relief granted vide said order was lapsed. Hence, he moved another praecipe for extension of the time vide praecipe dated 05.04.2024 which was listed before undersigned officer on 08.04.2024. On hearing, order has been passed by which extension of time to carryout an amendment was denied and therefore, the petitioner was supposed to seek direction from the Hon'ble Court for the reasons stated in the para no. 3 of the said order. Hence, amendment which has been carried out in the body of the petition and title of the petition was not carried out as per the order.

3. The order passed by the Hon'ble Prothonotary dated 17.04.2024 was in respect of the extension of the time to removal of office objections as per Rule 986 of the Bombay High Court (O. S.) Rules, 1980. Hence, to carryout an amendment in the petition, order was required and according to undersigned officer that order for amendment passed on 27.03.2023, does not survive due to lapse of time. Furthermore, amendment has not been signed by the Officer in charge of Testamentary Department. Hence, department is called to submit the report and to clarify that by which order amendment is carried out. Hence, adjourned.

4. S. O. 12.07.2024

02.07.2024

**Officer on Special Duty,
with Testamentary Department**