

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

INTERIM APPLICATION NO.3206 OF 2024

IN

TESTAMENTARY PETITION (L) NO.26212 OF 2021

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
PAREKAR

Date: 2024.10.21
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Alice Teresa D'Souza ...Applicant

vs.

Philomena Bridget D'Souza ...Deceased

Mr. Ajay Fernandes i/b. SAK Najam Sani, for the Applicant.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 21, 2024

P.C.:

1. Heard the learned counsel for the applicant.
2. This is an application to restore the Testamentary Petition (L) No. 26212 of 2021 which came to be dismissed by an order dated 20th July, 2023 for non compliance of office objections.
3. The learned counsel for the applicant submits that the office objection raised by the department is not in consonance with the provisions of Indian Succession Act, 1925.
4. For the reasons assigned in the application and the issue of tenability of the petition being a matter which warrants consideration, I am inclined to allow the application and restore the Testamentary Petition.
5. The delay in taking out the application stands condoned.

6. Testamentary Petition (L) No. 26212 of 2021 stands restored to file.

7. Post the petition for consideration on the aspect of tenability before the Court.

Application disposed.

(N. J. JAMADAR, J.)