

Before : Sachin B. Bhansali
Prothonotary and Senior Master

Date : 13th November, 2024

FOR HEARING AND FINAL DISPOSAL :

16. CHOL/220/2024) Mr. Dhyan Shah and Mr. Dhruv Mishra i/b. Mr. Rajesh
IN) Kothari, Advocate for Petitioner / Applicant
TP(L)/825/2020)
-) P.C. : The present Chamber Order is taken out for
) restoration of the captioned Petition, which was
) rejected vide Order dated 07.02.2023 for non-
) compliance of office objections under O.S. Rule 986.
)
-) Perused Chamber Order, Affidavit and Addl. Affidavit
) in support of Chamber Order. Heard Advocate for the
) Petitioner / Applicant, who submits that due to
) inaction and non-communication from the erstwhile
) Advocate, who represented the Petitioner, the
) Testamentary Petition was rejected due to non-
) compliance of office objections. Ld. Advocate for
) Petitioner / Applicant further submits that now
) Petitioner has engaged another Advocate who is
) looking after the present matter. He further submits
) that if Chamber Order is allowed by condoning delay
) of 398 days caused in filing present Chamber Order
) and if Petition is allowed to be restored to its original
) file, he will remove office objections within given
) time and therefore, present Chamber Order may be
) allowed by condoning delay.
)
-) I have considered contentions raised in Affidavit and
) Addl. Affidavit in support of Chamber Order and
) submissions as canvassed by Ld. Advocate for
) Petitioner / Applicant. I am of the view that party
) should not suffer due to inaction on the part of the
) Advocate; as client is solely dependent upon advice
) and opinion given by the Advocate. Hence, I am of
) the view that an opportunity should be given to the
) Petitioner to remove office objections and get the
) Petition registered / numbered by allowing present
) Chamber Order.
)

.... Continued

Prothonotary and Senior Master
Date : 13th November, 2024

: 2 :

) I am also satisfied with the explanation given by the
) Petitioner for delay caused in filing Chamber Order by
) way of Affidavit and Addl. Affidavit in support of
) Chamber Order. Hence, present Chamber Order is
) allowed by condoning delay of 398 days.
)
) Petitioner to remove office objections on the Petition
) and get the same numbered and / or registered
) within five weeks from the date of uploading of the
) order, failing the Petition to stand rejected for non-
) removal of office objections under O.S.Rule 986.

Date : 13.11.2024

Prothonotary & Senior Master