

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

INTERIM APPLICATION NO.1584 OF 2024
IN
TESTAMENTARY PETITION NO.822 OF 2021

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Dinesh Shantilal Shah and Another	...Petitioners
VS.	
Sushila Balubhai Shah	...Respondent

Mr. Shanay Shah a/w. Ms. Shradha Achliya and Ms. Neha Achliya
i/b. Sapanachure, for the Petitioners.

CORAM : N. J. JAMADAR, J.
DATE : AUGUST 8, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. This is an application for restoration of the Testamentary Petition No. 822 of 2021 which came to be dismissed pursuant to a common order dated 10th January, 2023 passed by this Court directing the petitioners to remove the office objections on or before 15th March, 2023 and in the event of default the petition would stand dismissed.
3. The learned counsel for the petitioners submits that the aforesaid order may not govern the present petition as the office objections were already removed on 19th March, 2021. The learned counsel further submits that, nonetheless if, there are any requisition to be complied with, the applicants/petitioners will do so

within a period of eight weeks from the date of restoration of the petition.

4. For the reasons assigned in the petition and to advance the cause of substantive justice, the order dated 10th January, 2023 stands recalled qua Testamentary Petition No.822 of 2021 subject to the petitioners complying with the office objections/ requisitions, if any, within a period of eight weeks.

5. It is hereby made clear that if the office objections are not complied with within the said period, this order shall stand recalled and the Testamentary Petition would stand dismissed without reference to the Court.

Application disposed.

(N. J. JAMADAR, J.)