

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

**INTERIM APPLICATION NO. 2090 OF 2024
IN
TESTAMENTARY PETITION (L) NO. 1852 OF 2017**

Sanjay Ramdeep Yadav ...Petitioner
Versus
Chandrapati Ramdeep Yadav ...Deceased

Mr. S. R. Gupta for Applicant.

CORAM : N. J. JAMADAR, J.
DATE : 12th AUGUST 2024

PC.:

1. Heard the learned Counsel for the Applicant.
2. This is an application for restoration of Testamentary Petition (L) No.1852 of 2017 which came to be dismissed pursuant to an order dated 9th January 2018.
3. The record indicates that subsequently, an order was passed on 11th February 2022 in Chamber Order (L) No. 207 of 2021 whereby the petitioner was directed to remove office objections and pay costs of Rs.2,000/- .
4. The learned Counsel for the petitioner submits that the petitioner has paid the costs of Rs.2,000/-. However, as was the

practice then prevalent, the office had not raised office objections initially, at the stage of scrutiny. Therefore, the applicant/petitioner had no occasion to comply with the office objections.

5. Perused the averments in the application. It appears that by an order dated 11th February 2022, in the Chamber Order (L) No.207 of 2021, the petitioner was directed to pay the costs and remove office objections. Petitioner paid the costs. However, the office objections were not raised as in the year 2017 petition was numbered without scrutiny.

6. In these peculiar circumstances, the application for restoration of the petition deserves to be allowed. Hence, the following order:

ORDER

(i) The delay in taking out the application for restoration of the petition stands condoned.

(ii) Order dated 9th January 2018 passed in Testamentary Petition (L) No. 1852 of 2017 stands recalled.

(iii) Testamentary Petition (L) No.1852 of 2017 stands restored

to file.

(iv) The Department shall raise objections, if any, within a period of two weeks.

(v) The petitioner shall comply with the office objection raised by the Department, if any, within a period of eight weeks thereafter.

(vi) In the event of non-compliance of the office objections within the period of eight weeks, this order shall stand recalled and Testamentary Petition (L) No.1852 of 2017 dismissed without further reference to the Court.

(vii) Application disposed.

(N. J. JAMADAR, J.)