

Before : Anil H. Laddhad  
Prothonotary and Senior Master

Date : 5<sup>th</sup> March, 2025

**FOR HEARING AND FINAL DISPOSAL :**

37. CHOL/583/2024 ) Ms. Shaista Syed i/b. M.S. Roy, Advocate for  
IN ) Applicant  
TPL/582/2020 )  
) P.C.: The present Chamber Order is e-filed by the  
) applicant for setting aside Order dated  
) 30.09.2024, rejecting captioned Petition under  
) O.S.Rule 986 for non-compliance of office  
) objections.  
)  
) Heard ld. Advocate for the applicant. Perused  
) Affidavit in Support and Addl. Affidavit in support  
) to the Chamber Order. It is contended that  
) conditional Order dated 06.02.2023 was passed in  
) the caption Testamentary Petition (L) No. 582 of  
) 2020. However, as the office objections could not  
) be removed within time, Petition got rejected.  
) Hence, Chamber Order No. 374 of 2024 was filed  
) and by order dated 30.09.2024, the said Chamber  
) Order was allowed and two weeks time was  
) granted to remove office objections. It is further  
) contended in the said Affidavit that the objection  
) regarding Petitioner's oath which was executed in  
) USA was not as per format, however, in the  
) meantime, time to remove office objections lapsed  
) and the Petition got rejected. It is contended in  
) Addl. Affidavit that the Petitioner is a senior citizen  
) and is not in a position to travel to India  
) frequently. Hence, subsequent transit of  
) documents from USA to Mumbai has caused delay  
) of 18 days in filing present Chamber Order. Ld.  
) Advocate for the applicant submits that he will  
) pursue with the caption petition diligently, and  
) prays for restoration of the same by condoning  
) delay. Ld. Advocate further submits that as on  
) date, captioned Petition is uncontested.  
)

.... Continued

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- ) Reasons mentioned in Affidavit appear to be
- ) genuine. So also, the applicant has explained
- ) delay, as above, caused in filing present Chamber
- ) Order satisfactorily.
- )
- ) In view of above, the applicant has made out case
- ) for restoration of captioned Petition. Therefore,
- ) delay of 18 days caused in filing present Chamber
- ) Order is condoned and present Chamber Order is
- ) granted as prayed.
- )
- ) The petitioner to remove office objections on the
- ) Petition and get the same registered and/or
- ) numbered within **four weeks** from the date of
- ) uploading of order, failing Petition to stand
- ) rejected for non-compliance of office objections
- ) under O.S.Rule 986.

Date : 05.03.2025

Prothonotary & Senior Master