

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.2332 OF 2024
IN
TESTAMENTARY PETITION [L] NO.250 OF 2020**

Trinidad Louis Castelino | **Applicant**

Vs.

Paul Castelino and Milagrin Castelino | **Deceased**

.....

Mr. Abhishek Karnik i/b Indu Prashant, for Applicant.

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CORAM : ARIF S. DOCTOR, J.

DATE : 17th April, 2025.

P.C.

1. The captioned Testamentary Petition came to be dismissed vide an order dated 6th February, 2023 under Rule-986 of the Bombay High Court Rules since the applicant had failed to remove office objections within prescribed time.

2. Mr. Karnik, learned Counsel appearing on behalf of the applicant submits that the captioned Interim Application has been filed for recalling and setting aside the order dated 6th February, 2023 and for restoration of the Testamentary Petition. He then points out that the reason why the office objections could not be removed within requisite

time was on account of the fact that the Advocate who was attending the matter was not keeping well and thus was unable to attend the office during the relevant time and follow up with the case. He invited my attention to the Interim Application wherein necessary averments to this fact have been made.

3. Having due regard to the submission made by Mr. Karnik and also the fact that captioned Testamentary Petition is for Succession Certificate and as such order of restoration would not cause prejudice to any party. In my view, substantive interest of justice would require that the application be allowed. Hence, Interim Application is allowed in terms of prayer clauses (1), (2) and (3) which read thus;

"1. That this Hon'ble Court be allowed to allow this Interim Application;

2. That the Hon'ble Court be pleased to recall the order dated 6-2-2023 (EXHIBIT A) and restore the Testamentary Petition (LD) No.250 of 2020 to file, which was rejected and disposed of on vide order dated 06.02.2023.

3. That the Hon,ble Court condone the delay of 102 dayd in filing this Application".

4. Mr. Karnik also undertakes to remove office objections within a period of two weeks from the date on which this order is uploaded.
5. Interim Application stands disposed of.

[ARIF S. DOCTOR J.]