

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 2910 OF 2024
IN
TESTAMENTARY PETITION (L) NO. 739 OF 2020**

Lia Fatima Carneiro

...Applicant/Petitioner

Late Ms. Regina Eustace

...Deceased

Ms. Isha Sawant a/w Vanshika Jain i/b Balaji Iyer for the Applicant/Org.
Petitioner.

CORAM : ARIF S. DOCTOR, J.

Date : 05th FEBRUARY 2025

P.C. :

1. The present Interim Application seeks restoration of the captioned Testamentary Petition which came to be dismissed vide an order dated 7th February 2023 passed by the Prothonotary and Senior Master for non-removal of office objections. Learned Counsel submits that the objections raised pertaining to non-payment of Court fees. However, she has invited my attention to the Court fees Challan dated 7th December 2020 to show that the Applicant had paid the requisite Court fees and therefore the dismissal was erroneous and thus she seeks restoration.

2. Having heard learned Counsel and having perused the Interim Application, I find sufficient cause has been shown for restoration. She submits that this is the only objection raised and thus she wants the payment of Court fees back.

3. Hence, Interim Application is therefore allowed in terms of prayer clause (a) which reads thus:

“a) For an order/direction to the registry to restore the captioned testamentary petition to file;”

(ARIF S. DOCTOR, J.)