

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

INTERIM APPLICATION NO. 3244 OF 2024

IN

TESTAMENTARY PETITION NO. 162 OF 2020

Hemlata Ramesh Hankare ...Applicant

IN THE MATTER BETWEEN

Hemlata Ramesh Hankare ...Petitioner

Jagnnath Bhiku Pawar ...Deceased

Mr Santosh S Chodankar, for the Applicant/Petitioner.

CORAM. ARIF S. DOCTOR, J

DATED: 7TH JANUARY 2025

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SANJAY
MORMARE

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PC:-

1. The present Interim is filed seeking restoration of the Testamentary Petition. Learned Counsel appearing on behalf of the Applicant/Petitioner invites my attention to the order dated 10th January 2023 and points out that vide this order this Court has directed if office objections in all the listed Testamentary Petitions were not removed on or before 15th March 2023, the said Testamentary Petitions would be dismissed without further reference to the Court.

2. Learned Counsel then invites my attention to the Interim Application and points out that the Petitioner has in fact paid the requisite Court Fees in the year 2019 and the objections were removed and thereafter the Petition was numbered in January 2020. It is thus he submits that the Petition has been wrongly dismissed

3. Having due regard to these submissions made and the fact that the present Petition has in fact numbered as also the citation was also issued, the captioned Petition has been incorrectly dismissed. The same is, therefore, requires to be restored. Hence, the present Interim Application is allowed in terms of prayer clause (b), which reads as follows:

“(a) The Order dated 10/01/2023 Exhibit-A passed by the Hon’ble Court be recalled and the above Petition No. 162 of 2020 be restored and be heard on merits.”

(ARIF S. DOCTOR, J)