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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.3447 OF 2024
IN
TESTAMENTARY PETITION (L) NO.10131 OF 2022

Sushila Vitthal Joshi ...Deceased

Kalpak Harishchandra Kubal ...Petitioner

Ms Dhanashree Padwal, *for the Petitioner.*

CORAM Kamal Khata, J.
DATED: 11th June 2025.

PC:-

1. Ms. Padwal, learned Advocate for the Applicant, seeks restoration of the Testamentary Petition which came to be dismissed pursuant to the Order dated 27th March 2024, on account of non-removal of office objections within the stipulated period.

2. She further relies on paragraph 3 of the Interim Application, wherein the Applicant has furnished an undertaking to pay damages as compensation in the event any party is affected by an order passed on this application

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and on paragraph No. 6(a) of the Interim Application, which sets out the reasons for the Applicant's inability to comply.

3. Having considered the submissions and being satisfied with the explanation offered, the IA is allowed in terms of prayer clause (a), which reads as follows:

“(a) That this Hon'ble Court may be pleased to restore the Testamentary Petition Lodging No. 10131/2022 in the interest of justice with the specific direction to remove office objection raised by Testamentary Department within four weeks.”

(Kamal Khata, J.)