

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

INTERIM APPLICATION NO. 3506 OF 2024

IN

TESTAMENTARY PETITION NO. 927 OF 2021

Shashikala D/o Narayan Shetge

...Applicant/
Petitioner

Narayan s/o Laxman Shetge

...Deceased

Mr Shrikant V Girbide, *for the Applicant/Petitioner.*

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CORAM. ARIF S. DOCTOR, J
DATED: 2ND JANUARY 2025

PC:-

1. By the present Interim Application, the Applicant seeks the following reliefs:

“(i) that the application for delay of 578 days may kindly be pleased to allowed that, delay of 578 days may kindly pleased be condoned.

(ii) That the Applicant may kindly be permitted to allowing be order of extension of time for eight weeks from the date of passing order to restore the said petition.

(iii) For costs,

(iv) For such other and further reliefs as the nature and circumstances of the case may be granted."

2. Learned Counsel appearing on behalf of the Applicant submits that the captioned Testamentary Petition came to be dismissed by a common order dated 10th January 2023 since the office objections were not removed within the time prescribed vide the common order.

3. Learned Counsel appearing on behalf of the Applicant has invited my attention to the averments made in the Application and pointed out that the said could not be complied with since the Applicant is at advanced stage being super-senior citizen. In support of his contention he invited my attention to the Medical Certificate dated 29th August 2024. The same does not in any manner states that the Applicant was indisposed during the time in which the office objections were to be removed.

4. Having considered the overall submissions and averments made in the Application, I find that the interest of justice would require one last chance be given to the Applicant and it is thus, I am inclined to allow the present Interim Application.

5. The Interim Application is, therefore, allowed in terms of prayer clauses (i) and (ii) extracted above.

6. It is further made clear that in the event the office objections are not complied with on or before 30th January 2025, the Petition shall stand dismissed without further reference to the Court.

(ARIF S. DOCTOR, J)