

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION NO. 2873 OF 2021
IN
TESTAMENTARY PETITION (L) NO. 1408 OF 2019**

Vishal Haresh Rochlani ... Applicant

In the matter of

Kanayalal Pribhadas Rochlani alias Kanayalal
P. Rochlani alias Kanayalal Rochlani ... Deceased

Haresh Kanayalal Rochlani ... Orig. Petitioner

Mr. Prabhu Velar for the Applicant.

CORAM : R.I. CHAGLA, J.

DATED : 10th DECEMBER, 2021.

ORDER :

1 By this Interim Application, the Applicant is seeking condonation of delay of 767 days in taking out the present Application and for restoration of the Petition (L) No.1408 of 2019 which was dismissed by common order dated 14.08.2019.

2 The Applicant is the legal heir of the Original Petitioner whose Petition came to be dismissed under Rule 986 of the Original Side

Rules for non-compliance of the office objection. It is stated by the Applicant that there was some difficulty in making payment of the Court fees and due to which the it got rejected on 04.09.2019. The delay has been explained in paragraph 5 of the Application that due to Covid-19 pandemic situation, there had been delay in taking out this Application. The Original Petitioner had expired on 21.12.2019. The legal heirs of the said deceased are mentioned in paragraph 7 of the Interim Application.

3 I am satisfied with the averments in the Interim Application that a case is made out for condonation of delay in taking out Interim Application and for restoration of the Petition (L) No.1408 of 2019.

4 Hence, the following order :

- i) Delay of 767 days in taking out Interim Application, is condoned.
- ii) The order dated 14.08.2019 passed in the Petition (L) No.1408 of 2019 under Rule 986 of the Original Side Rules, is set aside and the Petition is restored.
- iii) The applicant shall take out appropriate Interim Application in the Petition (L) No. 1408 of 2019 for being

impleaded as Petitioner in place of the Original Petitioner, his deceased father.

iv) Interim Application is accordingly disposed of in the above terms.

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(R.I. CHAGLA, J.)