

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

**INTERIM APPLICATION NO. 2291 OF 2019
IN
TESTAMENTARY PETITION NO. 1401 OF 2013**

Sandhir Ramashankar Chourasiya ... Deceased

And

Hemlata Sandhir Chourasiya ... Applicant/Petitioner

Mr. Ajit M. Savagave for the Applicant/Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 28th OCTOBER, 2021.

P.C. :

1 Heard the learned Counsel appearing for the Applicant.

2 By this Interim Application, the Applicant is seeking condonation of delay in filing the Interim Application. Further, relief is sought for to recall of order dated 05.05.2015 passed by this Court and restoration of the Petition filed by the Applicant. Prayer clause (c) has not been pressed by the Applicant.

3 The Applicant has explained the delay in non removal of office objections and due to which the conditional order dated 05.05.2015

was passed by this Court. It is stated that the Applicant had lost contact with the Advocate due to Applicant permanently shifting to her native place. The Applicant had also explained the delay in taking out the Interim Application on the ground that the Applicant was not aware of the conditional order dated 05.05.2015 and the Applicant only became aware of conditional order dated 05.05.2015, upon contacting her Advocate on record, who informed the Applicant of the same. The Applicant was facing financial difficulty and hence, could not approach her Advocate on record in time and that the delay was on account of circumstances beyond the control of the Applicant. Accordingly, the Interim Application has been taken out.

2 Having considered the averments in the Interim Application and the averments in paragraphs 5 and 6 of the Interim Application, I am satisfied that a case is made out for restoration of the Testamentary Petition.

3 Hence, the following order :

- i) The delay in filing of the Interim Application is condoned.
- ii) The conditional order dated 05.05.2015 is recalled.

iii) The Testamentary Petition No.1401 of 2013 restored to the file.

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

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(R.I. CHAGLA, J.)