

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 1203 OF 2022
IN
CHAMBER ORDER (ST.) NO. 264 OF 2019
IN
TESTAMENTARY SUIT NO. 87 OF 2016

Vasundhara Pansare ...Deceased

Indu Tanaji Dhere ...Applicant

IN THE MATTER BETWEEN

Indu Tanaji Dhere ...Petitioner/Plaintiff

Vs.

Ganpat Shankar Pansare ...Respondent

Adv. Bhagyashri Ronade i/b. Adv. Sachin Pawar for the Applicant.

None for the Respondent.

CORAM : ARIF S. DOCTOR, J.

DATE : 09th JANUARY, 2023

P.C. :

1. By the present Interim Application the Applicant is seeking (a) condonation of delay of a period of 909 days and (b) setting aside of the order dated 17th June, 2019 passed by the Prothonotary & Senior Master, High Court (Original Side), Bombay, in Chamber Order (L) No. 264 of 2019 which reads thus,

“Applicants and/or their Advocates to remove office objections on the Chamber Order and to get the same numbered and/or registered on or before 08.07.2019, failing Chamber Order to stand rejected under 986 of O.S. Rule for non-compliance of office objections.”

2. One of the grounds on which, condonation of delay has been sought for (paragraph (e) of the Interim Application) is on account of the alleged inadvertence of the previous Advocate of the Applicant. A perusal of paragraph (e) shows that other than the bald allegation of inadvertence on the part of the previous Advocate, no other details whatsoever, have been given.

3. I find that in several matters, where condonation of delay is sought for, it has become fashion to blame the previous Advocate without giving any details of the alleged inadvertence. This is a practice which must necessarily be deprecated and not encouraged. The person against whom allegations are made does not have any opportunity to deal with and/or refute them. In the event that a party pleads such negligence/inadvertence on the part of the advocate, details of the same ought to be clearly stated, so that the Court can

apply its mind to the same. Merely stating that there was negligence / inadvertence on the part of the previous advocate without stating anything more would by itself not sufficient cause.

4. The Court made its displeasure known to the learned Advocate appearing on behalf of the Applicant. The learned Advocate for the Applicant apologized and sought leave to delete paragraph (e) of the Interim Application. Liberty was granted to the learned Counsel appearing on behalf of the Applicant and paragraph (e) of the Application was deleted forthwith. In the light of this paragraph (e) is deleted and expunged from the record.

5. The learned Counsel for Applicant then invited my attention to paragraphs (f) and (g) of the said Interim Application which set out the reasons for the delay in filing the present Interim Application.

6. I find that what stated in the said paragraphs, sufficient cause has been made out to condone the delay. I also find that no prejudice would be caused if the delay is condoned and the Applicant is granted one last chance to comply with the order dated 17th June 2019 and to

remove the Office Objections.

7. The present Interim Application is allowed.

8. At this stage the Court was inclined to impose the cost in the matter, however, on being informed that the Applicant is a Housewife, cost will not be imposed in the matter.

9. The Interim Application for condonation of delay is allowed in terms of Prayer Clauses (b) and (c) which read as under:-

(b) This Hon'ble Court may be pleased to condone the delay of 909 days in preferring this Interim Application.

(c) This Hon'ble Court may be pleased by learned Prothonotary & Senior Master, High Court (Original Side.), Bombay, in chamber order no. 264 of 2019 of Testamentary Suit No. 87 of 2016 thereby restoring the said Chamber Order.

10. Time to comply with the office objections is extended up to and including 7th February, 2023.

11. Application is accordingly disposed of.

(ARIF S. DOCTOR, J)