

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

INTERIM APPLICATION NO.1357 OF 2023

IN

PETITION NO.2715 OF 2019

Mrs. Rasika Anil Jhaveri

: Deceased

Rakesh A Jhaveri

: Applicant/Petitioner.

Advocate A Tahmankar i/by Bharati Aindley for the Applicant/Petitioner.

Mr. Darshan Mehta i/by Dhruve Liladhare & Co. for the Caveator.

CORAM : ARIF S. DOCTOR, J.

DATE : 24th APRIL 2023

P.C. :

1. The present Interim Application has been filed by the Applicant for condonation of delay of 69 days in filing the present Application and for restoration of the present Testamentary Petition which came to be dismissed pursuant to the Notice dated 25th April 2022.

2. Mr.Mehta, Learned Counsel appearing on behalf of the Caveator, does not in fairness oppose the restoration of the present Testamentary Petition.

3. In view of the fair stand taken by Learned Counsel for the

Caveator, the present Interim Application is allowed in terms of prayer clauses (a) and (b) which read as under :-

- “(a) That delay of 69 days for filing the said application may be condoned;*
- (b) That this Hon’ble Court be pleased to pass an Order restoring the Testamentary Petition and allowing the Applicant/Orig. Ptitioner to file the Additional Affidavits of the witnesses.”*

4. Time to comply with the objections is extended upto and including 2nd May 2023.

5. The Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)