

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.1361 OF 2023
IN
TESTAMENTARY PETITION NO.1503 OF 2018**

Naresh Keshav Rahate ... Applicant (Original Petitioner)

In the matter between

Keshav Ronga Rahate ... Deceased

Naresh Keshav Rahate ... Petitioner

Ms. Archana Gaikwad for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH APRIL 2023

P.C. :

1. By the present Interim Applicant, the Applicant seeks restoration of Testamentary Petition No.1503 of 2018.

2. Learned Counsel for the Applicant states that the reasons for which the office objections could not be compiled with are more particularly set out in Paragraph 3 of the Interim Application.

3. I have heard learned Counsel for the Applicant and perused the Interim Application. I find that the reasons stated in Paragraph 3 are other than

making reference to the prevalent Covid situation bereft of necessary details. It is not in dispute that at the relevant time the Courts were functioning. The Applicant while stating in the Interim Application that due to “some personal difficulty in attending the Hon’ble court and after that the Applicant/Petitioner could not attend the Hon’ble court proceedings”, but at the same time there is no cogent explanation as to what is personal difficulty, which prevented the Applicant in attending the Court. It is incumbent upon the Applicant that sufficient cause must be set out and explained and in absence of such sufficient cause, if time is extended, the order of this Court would have no meaning.

4. However, since this is a Testamentary Petition for Letters of Administration, no prejudice would be caused to anyone if the same is restored and time is extended as and by way of last chance. But the same must be subject to payment of costs, since I find that the explanation set out to be wholly inadequate. The Interim Application is therefore allowed in terms of the prayer clauses (a), (b) and (c), subject to payment of costs of Rs.5,000/- (Rupees Five Thousand Only), which is to be paid to the Bombay Bar Association, High Court of Bombay, Mumbai. Said prayer clauses (a), (b) and (c) read as under :-

“a. To condone the delay 134 days in taking the present Interim Application.

- b. That this Hon'ble Court be pleased to restore Testamentary Petition No.1503 OF 2018.*
- c. Petitioner be permitted to proceed with the petition subject to comply with the office requisitions within such time as the Hon'ble Court may deem fit."*

5. The office objections to be complied with on or before 16/05/2023.

6. The Interim Application is thus disposed of in terms of the above order.

(ARIF S. DOCTOR, J.)