

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

**INTERIM APPLICATION NO.1475 OF 2023
IN
TESTAMENTARY PETITION NO.2166 OF 2019**

Avinash Anant Mhatre : Deceased

Veronica Maria Rose Mhatre : Applicant

In the matter between

Veronika Maria Rose Mhatre : Petitioner

Ms. Sonali Humane i/by Ranjana Todankar for the Applicant/Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 05th APRIL 2023

P.C. :

1. By the present Interim Application the Applicant/Petitioner seeks restoration of Testamentary Petition No.2166 of 2019.

2 Learned Counsel appearing on behalf of the Applicant submits that the Testamentary Petition came to be dismissed on account non-removal of office objections within the time prescribed vide Order/Notice dated 5th April 2022. She submits that the only requisition/objection that remained to be

complied with by the Applicant was issuance of notice to the office of the Collector. She invites my attention to paragraph 2 of the Interim Application and submits that the said requisition/objection was remained to be complied with in view of the intervening Covid-19 pandemic. She submits that in view thereof the previous advocate for the Applicant could not comply with this one requisition. Learned Counsel submits that the Applicant then has engaged a new advocate since the previous advocate in May 2022 expressed his inability to continue. She submits that on filing of her vakalatnama and on making inquiries with the office, she became aware of the status of the matter and thus has filed the present Interim Application.

3 I have heard Learned Counsel for the Applicant as also perused the present Interim Application and find that a case of sufficient cause has been made out by the Applicant to restore this Testamentary Petition. The Applicant/Petitioner has filed the Testamentary Petition for probate of last Will and Testament of one Avinash Anant Mhatre and as such its restoration would not possibly cause prejudice to anyone.

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

“(a) That this Hon’ble Court may be pleased to restore the Testamentary Petition, being Testamentary Petition No.2166 of 2019 to the file of this Hon’ble Court;

(b) That the delay of 139 days occurred in filing the present Interim Application be condoned in interest of justice and fair play.

5 Learned Counsel undertakes to comply with the requisitions/objections that are remained to be complied with within a period of two weeks from the the date of this order is uploaded. Undertaking accepted.

6 The present Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)