

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.1168 OF 2024
IN
APPEAL (ST) NO.3176 OF 2021
IN
TESTAMENTARY SUIT NO.2 OF 1996
IN
TESTAMENTARY PETITION NO.824 OF 1981**

Neelam Vinay Parelkar and ors. : Applicants/Org.Appellants

In the matter between

Neelam Vinay Parelkar and ors. : Appellants.

Vs.

Paritosh Harihar Parelkar and ors. : Respondents.

Ms. Kalyani Deshmukh i/by FZB & Associates for the
Applicants/Appellants.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.
DATE : 18th APRIL 2024**

P.C. :

1. By the present Interim Application the Applicants seek
the following reliefs :-

*"(a) that this Hon'ble Court may be pleased to restore the
captioned Appeal;*

(b) that this Hon'ble Court may be pleased to restore the Interim Application (ST) No.3184 of 2021 taken out by the Applicant for condonation of delay in filing the captioned Appeal.

(c) That this Hon'ble Court may be pleased to direct the Prothonotary and Senior Master, High Court to provide final registration number to the captioned Appeal (ST) No.3176 of 2021 and Interim Application (ST) No.3184 of 2021."

2. Ms. Deshmukh, Learned Counsel appearing on behalf of the Applicants points out that the captioned Appeal is against an order dated 30th March 2015 and the Interim Application (ST) No.3184 of 2021 is for condonation of delay in filing the said Appeal.

3. Learned Counsel for the Applicants has submitted that on 23rd September 2022 the Prothonotary and Senior Master of this Court was pleased to pass the following order :-

"Appellants and/or their Advocates to remove office objections on the Appeal and to get the same registered and/or numbered within four weeks from the date of disposal of Interim Application taken out for condonation of delay in filing captioned Appeal,

failing Appeal to stand rejected under O. S. Rule 986 for non compliance of office objections.”

4. Learned Counsel for the Applicants submitted that even whilst the Interim Application for condonation of delay was pending, on 23rd September 2022 the Division Bench of this Court vide a common order of that date was pleased to dismiss the captioned Appeal under the provisions of Rule 986 of the Bombay High Court Original Side Rules i.e. for non removal of office objections. The submission of the Learned Counsel was that even though the Interim Application for condonation of delay was pending, both Appeal and Interim Application came to be dismissed. She submitted that the only objection raised by the department was that the Appeal was filed beyond limitation, and it was to condone the delay that this Interim Application had been taken out.

5. We have heard the Learned Counsel for the Applicants and are satisfied that sufficient cause has been made out to grant the relief prayed for. Hence the captioned Interim

Application is allowed in terms of prayer clauses (a) and (b) as reproduced above.

6. List the Interim Application (ST) No.3184 of 2021 for hearing on 9th May 2024.

7. The captioned Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)