

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 204 OF 2024
IN
CAVEAT (LODGING) NO. 170 OF 2021
IN
TESTAMENTARY PETITION NO. 2499 OF 2019**

Masood Mohd Yunus Ansari and another ... Applicants/Caveators

In the matter between:

Mariyam Azizul Rehman Ansari & others ... Petitioners

Zulekha Ashfaque Ahmed Ansari ... Deceased

Mr. Danyaal Tahsildar, i/b. Chinmaya Acharya for applicants/caveators.

Mr. Adil Mirza, i/b. A. A. Mirza for petitioners.

CORAM : MANISH PITALE, J.

DATE : 23rd JANUARY, 2024

P.C. :

. By this application, the applicants i.e. the caveators are seeking condonation of delay of 377 days insofar as caveator No.1 is concerned and 379 days insofar as caveator No.2 is concerned, in filing their caveat before this Court.

2. The learned counsel for the applicants submits that although citations were served on the caveator Nos.1 and 2 on 07.12.2019 and 09.12.2019 respectively, they were unaware about the procedure. Upon becoming aware about the procedure and making preparation for filing the caveat in March 2020, the Covid-19 pandemic hit the nation, as a consequence of which the Court proceedings, including filings, etc. were hampered. Eventually, the caveators filed their caveat on 04.01.2021.

3. This Court finds that the caveats were indeed filed during the Covid-19 pandemic period and although the citations were served on the caveators in December 2019 itself, it appears that the applicants/caveators became aware of the procedure and sought to file their caveat in March 2020, by which time Covid-19 pandemic had already hit the nation.

4. In view of the above, this Court is convinced that sufficient grounds are made out for condonation of delay in filing the caveat.

5. In view of the above, the application is allowed and delay is condoned. The caveat shall now be taken on record.

(MANISH PITALE, J.)

Priya Kambli