
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.232 OF 2024
IN
APPEAL NO.266 OF 2019
IN
TESTAMENTARY SUIT NO.21 OF 2007
IN
TESTAMENTARY PETITION NO.255 OF 2006

Hema P. Tejani

.. Applicant/Appellant

Versus

ANJALI TUSHAR ASWALE
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ASWALE
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Vasant G. Soneji & Anr

.. Respondents

Mr.Sanjay Anabhawane, Advocates for the Applicant.

Mr.Sarthak Shah, with Mr.T.Rajgor i/b M/s. Siddharth Shah & Associates, Advocates for the Respondent.

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: AUGUST 19, 2024

P. C.

The above Interim Application is filed seeking a condonation of delay of 1705 days in restoring the above Appeal. Initially, the above Appeal was admitted on 8th April, 2014 and the Appellant was directed to remove office objections within four weeks from that date. Thereafter, the matter came up on 28th September, 2015 when it was stood over to 27th October, 2015 and liberty was granted to the Appellant to prepare a separate paper

book. Thereafter, the matter came up on 13th December, 2018. On that date, four weeks time was granted to the Appellant to remove all the office objections and get the Appeal numbered. It was ordered that if compliance was not made within the stipulated period of four weeks from 13th December, 2018 the Appeal shall stand dismissed for non prosecution without further reference to the Court.

2 All these orders have been passed when the Appellant was represented by advocates. The Appellant was very much aware of the order dated 13th December, 2018 directing her to remove all office objections failing which the Appeal would stand dismissed. Since the Appellant did not remove all office objections, the Appeal stood dismissed and the application for restoration of the Appeal has been filed only on 26th October, 2023.

3 We have carefully gone through the Interim Application as well as the additional affidavit dated 29th January, 2024. After perusing the Interim Application as well as the said affidavit, we find there is absolutely no explanation for this inordinate delay. We, therefore, dismiss the above Interim Application.

4 Considering that the Appellant is an individual, it is only out of mercy that we did not impose any costs. Hence, there shall be no order as to costs.

5 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]