

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 153 OF 2025
IN
CAVEAT (L) NO. 29922 OF 2023
IN
TESTAMENTARY PETITION NO. 2593 OF 2022**

Archana Mohan Varma ...Applicant/Org. Caveator

In the matter Between.

Chandravadan Ravindra Shah ...Petitioner

Versus

Archana Mohan Varma ...Caveator

Adv. E. K. Sasidharan for the Caveator/Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 11TH MARCH, 2025

P.C. :

1. By the present Interim Application, the Applicant seeks condonation of delay for a period of 47 days in filing of the Caveat in the captioned Testamentary Petition.

2. Adv. Sasidharan, Learned Counsel for the Applicant submits that the Applicant has duly served the Petitioner a copy of the Interim Application. His statement is accepted. Learned Counsel for the Applicant undertakes to file Affidavit of service in support within a period of one week from today.

3. He then points out that the delay occasioned since though the affidavit in support of the Caveat was lodged to e-filing on 4th September, 2023, the same is not taken as filed due to technical objections dated 25th October, 2023. After which the Advocate had difficulty in complying with all the requisitions relating to e-filing for want of adequate knowledge.

3. Having perused the Interim Application, I find that I) sufficient delay has been shown to condone the delay. II) none is appeared on behalf of the Petitioner though duly served. III) In my view, the delay is neither inordinate nor of such nature that would constitute gross delay. Therefore, in my view, a substantive cause of justice could be served by condoning the delay and permitting the Caveator an opportunity to contest the Testamentary Petition. Hence, for the aforesaid reasons, the captioned Interim Application is allowed in terms of prayer clause (a) which reads thus:

“this Hon’ble Court be pleased to condone the delay of 47 days in filing the Caveat (stamp) No. 29922 of 2023 in Testamentary Petition No. 2593 Of 2022.”

(ARIF S. DOCTOR, J.)