

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.515 OF 2025
IN
TESTAMENTARY PETITION NO.356 OF 2016**

Rupa Kamath Iyer		Applicant/Original Petitioner
-------------------------	--	--

IN THE MATTER OF:

Radha Ramesh Kamath		Deceased
Rupa Kamath Iyer		Petitioner

.....

Mr. Rhythm Rathod i/b Nitesh Mishra, for Applicant/Original
Petitioner.

.....

**CORAM : ARIF S. DOCTOR, J.
DATE : 26th MARCH, 2025.**

P.C.

1. Interim Application seeks following reliefs;

(a) That this Hon'ble Court may kindly be pleased to condone the delay of 1026 days in filing the present Interim Application.

(b) That this Hon'ble Court be pleased to set aside the order dated 2nd May, 2018 passed the Hon'ble Court thereby dismissing the above petition suit for want of prosecution and restore the same;

(c) that this Hon'ble Court be pleased to set aside the order dated 18th January, 2024 passed by the Hon'ble Court thereby dismissing the above petition for want of prosecution and thereafter restore the said present petition;

(d) For such other and further reliefs as this Hon'ble Court may be pleased to grant in the facts and circumstances of the case as may be required".

2. Learned Counsel appearing on behalf of the applicant invited my attention to paragraph 7 of the Interim Application. He points out the the reasons for which the applicant was unable to remove office objections within time granted vide order dated 2nd May, 2018. He submits that Interim Application for restoration came to be dismissed by Prothonotary and Senior Master vide an order dated 18th January, 2024.

3. Having due regard to the submissions made in the Interim Application and having heard learned Counsel appearing for the applicant, I am of the view that sufficient cause has been shown by the applicant to allow the Interim Application as prayed for. I am of the view that substantive justice would be served by allowing the Interim Application.

4. Furthermore, I must note that petition is for probate and, as such, no prejudice would be caused to any of the parties in the petition if the Interim Application is allowed.

5. Thus, Interim Application is allowed in terms of prayer clauses (a) to (c).

6. Interim Application stands disposed of.

[ARIF S. DOCTOR J.]