

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 3601 OF 2024
IN
TESTAMENTARY PETITION NO. 2371 OF 2017

Bhanumati Nandu Vora

...Deceased

Ashok Amritlal Shah

...Petitioner

Mr. Rajiv Jadhav for Applicant/Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATED : 25th MARCH 2025

P.C. :

1 The captioned interim application seeks condonation of delay of period of 774 days in filing the captioned interim application and for setting aside an order dated 22nd July 2022, by which the captioned interim application came to be dismissed. The learned counsel pointed out that the interim application came to be dismissed vide a common order on the ground that the objections were not removed.

2 Having due regard to the averments made in the interim application as also the submissions advanced, I am of the view that the substantive interest of justice would best be served if the applicant is given an opportunity to prosecute the captioned Testamentary Suit, which is for probate. Hence interim application is allowed in terms of prayer clauses (a) and (b) which read as under:

“(a) That the delay of 774 days be condoned in taking out this

restoration interim application.

(b) that this Hon'ble Court be pleased set aside the dismissal Order dated 22.7.2022 passed by His Lordship Shri Justice R. I. Chagla and matter be restored back to file;"

3 Interim application is accordingly disposed of.

(ARIF S. DOCTOR, J.)