

HARSHADA H. SAWANT
(P.A.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION (L) NO.18756 OF 2025
IN
CAVEAT (L) NO.1032 OF 2024
IN
TESTAMENTARY PETITION NO.3773 OF 2022
WITH
INTERIM APPLICATION NO.3620 OF 2024
IN
CAVEAT (L) NO.1032 OF 2024
IN
TESTAMENTARY PETITION NO.3773 OF 2022
WITH
INTERIM APPLICATION (L) NO.22041 OF 2025
IN
CAVEAT (L) NO.1032 OF 2024
IN
TESTAMENTARY PETITION NO.3773 OF 2022
WITH
WILL NO.1532 OF 2022
IN
TESTAMENTARY PETITION NO.3773 OF 2022**

Ashok Bhivaji Kamble alias A. B. Kamble alias
Ashok B. Kamble .. Deceased

Ganesh Ashok Kamble .. Petitioner

Versus

Smita Chandrakant Kamble .. Caveator

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- Ms. Kavita Anchan, Advocate for Caveator.
 - Mr. Prabhu Velar a/w. Ms. Bhakti Patil, Advocates for Orig. Petitioner in Interim Application No.3620 of 2024 and Testamentary Petition No.3773 of 2022.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 28, 2025

P.C.:

- 1.** Heard Ms. Anchan, learned Advocate for Caveator and Mr.

Velar, learned Advocate for Orig. Petitioner in Interim Application No.3620 of 2024 and Testamentary Petition No.3773 of 2022.

2. *Prima facie* though it is seen that there is humongous delay of more than 570 days as pointed out by Mr. Velar, I am inclined to condone the same in view of the facts and circumstances of the present case.

3. For the reasons mentioned in the Application, Interim Application (Lodging) No.22041 of 2025 which is not on board and mentioned by learned Advocate, the same is taken on board and stands allowed in terms of prayer clauses (a) and (b) which reads thus:-

- “a) This Hon’ble Court may be pleased to set aside the order dated 1/4/2025 passed by the Ld’Prothonotary & Senior Master and restore the Caveat filed by the Caveator.*
- b) This Hon’ble Court may be pleased to condone the delay in filing the present Interim Application.”*

4. In view of order passed in Interim Application (Lodging) No.22041 of 2025, Interim Application (Lodging) No.18756 of 2025 stands allowed in terms of prayer clause (1) which reads thus:-

- “(1) This hon’ble Court may be pleased to restore the Caveat and set aside the order dated 01.04.2025.”*

5. Order dated 01.04.2025 passed by Prothonotary and Senior Master stands quashed and set aside.

6. Caveat (Lodging) No.1032 of 2024 stands restored to record and file of the Court.

7. Interim Application No.3620 of 2024 is filed for dismissal of the Caveat (Lodging) No.1032 of 2024. In view of the orders passed in Interim Application (Lodging) No.22041 of 2025 and Interim Application (Lodging) No.18756 of 2025, Interim Application No.3620 of 2024 has become infructuous. Interim Application No.3620 of 2024 is disposed as dismissed.

8. The *lis* is between brother and sister before me.

9. Caveat shall be proceeded in accordance with law by the Department.

10. Interim Application (Lodging) No.22041 of 2025; Interim Application (Lodging) No.18756 of 2025 and Interim Application No.3620 of 2024 are disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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