

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

INTERIM APPLICATION NO.872 OF 2025

IN

CAVEAT (L) NO.35548 OF 2023

IN

TESTAMENTARY PETITION NO.45 OF 2023

Naren Rajaram Kalbag ... Applicant/Caveator

In the matter between.

Rajaram Dattatraya Kalbag alias

Rajaram Dattatreya Kalbag ... Deceased

Shrutika Supreeth Kini ... Petitioner

Vs.

Naren Rajaram Kalbag ... Caveator

Mr. Nainesh Amin (through VC) a/w Preeti Shukla i/by N. N. Amin & Company
for the Applicant/Caveator.

Ms. Darshana Manjrekar i/by Naresh Pai for the Petitioner.

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CORAM : ARIF S. DOCTOR, J.

DATE : 01ST APRIL 2025

P.C. :

1. The captioned Interim Application seeks condonation of delay of a period of 23 days in filing of the Affidavit in support of the Caveat.

2. The Application is opposed by the Petitioner on the ground that the delay is not of 23 days and also the Caveat itself was lodged beyond the prescribed time. It is the submission of Learned Counsel for the Petitioner that the Petitioner has filed an independent Application for dismissal of the Caveat on the ground that the same was filed beyond the prescribed time.

3. Learned Counsel for the Petitioner does not however choose to file Affidavit in Reply to the present Interim Application.

4. Having due regard to the submissions made and the fact that the delay, which is sought to be condoned, is not inordinate as also the same is sufficiently explained, the Interim Application deserves to be allowed. Thus, the Interim Application is allowed in terms of prayer clause (b), which reads as follows:

"b. In the alternative, this Hon'ble Court be pleased to condone the delay of 23 days in filing the Caveat and accept the Affidavit in Support filed on 21st November, 2023 and the same may be taken on record and register the Caveat and the Testamentary Petition be converted into the suit."

5. Interim Application is accordingly disposed of.

6. Needless to state that this order shall not come in the way of the Interim Application filed for dismissal of the Caveat by the Petitioner, which shall be heard and disposed of on its own merits.

(ARIF S. DOCTOR, J.)