

Ajay

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

INTERIM APPLICATION (L) NO. 8717 OF 2025

IN

CAVEAT (L) NO.28779 OF 2024

IN

TESTAMENTARY PETITION NO. 3519 OF 2023

Mr. Dilip Dharamsey Khatau

.. Deceased

Yudhishthir Dilip Khatau

Applicant /
.. original Caveator

IN THE MATTER BETWEEN

Rina Dilip Khatau and Ors.

.. Petitioners

Versus

Yudhishthir Dilip Khatau

Respondent /
.. original Caveator

-
- Mr. Rubin Vakil a/w Mr. Karan Jain i/by DSK Legal, Advocates for Applicant.

.....
CORAM : MILIND N. JADHAV, J.
DATE : NOVEMBER 28, 2025.

P.C.:

- 1.** Heard Mr. Vakil, learned Advocate for Applicant.
- 2.** Interim Application is filed for dispensation of office objection No.2 seeking clarification as to why Caveat is filed through Constituted Attorney when Caveator is residing in Mumbai. Department has therefore vide order dated 06.03.2025 referred the matter to Court as per Rule 429 of the Bombay High Court Original Side Rules, 1980. The exigency as to why the Caveat is filed through Constituted Attorney who is wife of Caveator is explained in paragraph Nos.4, 5 and 6 alongwith supporting documents since Caveator was

travelling abroad and was not in a position to execute the Caveat within the prescribed time limit of 14 days. Hence, in order to arrest limitation the Caveat was filed through his Constituted Attorney i.e. wife who was present in Mumbai. Applicant is the son of deceased and has caveatable interest. Hence, in view of the above facts and circumstances, objection raised by the Department as stated hereinabove stands dispensed with .

3. Interim Application is allowed in terms of prayer clauses "a" and "b". Department is directed to proceed further with the Testamentary Petition in accordance with law.

4. Interim Application is allowed and disposed.

[MILIND N. JADHAV, J.]

Ajay

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