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

**INTERIM APPLICATION NO. 2082 OF 2025
IN
CAVEAT (L) NO. 28380 OF 2024
IN
PETITION NO. 3847 OF 2024**

**WITH
INTERIM APPLICATION NO. 749 OF 2025
IN
CAVEAT (L) NO. 28380 OF 2024
IN
PETITION NO. 3847 OF 2024**

Saraswati Nilesh Gupta .. Applicant

Smt. Premlatal Shankarlal Gupta
alias Mrs. Premlata Shankerlal Gupta
alias Premlata S. Gupta alias P.S. Gupta .. Deceased

Yogesh Shankarlal Gupta .. Petitioner

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- Mr. Vikram Sathaye a/w. Mr. Akshata Kada, Advocates for Caveatrix / Applicant.
 - Ms. Chhaya More, Advocate holding for Mr. Anil Agarwal for Petitioner.
 - Mr. Yogesh Gupte, Advocate appearing through VC for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 17, 2025.

P.C.:

1. Heard Mr. Sathaye, learned Advocate for Caveatrix / Applicant; Ms. More, learned Advocate for Petitioner and Mr. Gupte, learned Advocate for Respondent.

2. Interim Application No.2082 of 2025 is filed for seeking restoration of Caveat which has been dismissed by a conditional order dated 16.01.2025 for non removal of office objections. There is companion Interim Application No.749 of 2025 which has also been filed for condonation of delay of 7 days in filing the Caveat. Today, this Interim Application No.749 of 2025 is not listed on Board. However after hearing the submissions of both the learned Advocates appearing for the respective parties at the bar, said Application is taken up for hearing forthwith by consent of the parties.

3. The order dated 16.01.2025 is placed before me which is passed by the learned Prothonotary and Senior Master of this Court. It states that four weeks time was granted to Applicant / Caveator for removal of office objections which has not been adhered to and therefore by virtue of the said conditional order under O.S. Rules 986, the Caveat has been dismissed.

4. Ms. More, learned Advocate appearing for Petitioner would contend that the first order of removal of office objections in the Caveat was passed on 12.09.2024 and the same was extended from time to time until the conditional order dated 16.01.2025 came to be passed. She would submit that there is utter dereliction shown by the Caveator for not removing the office objections despite two specific orders passed by the Court granting him extension of time.

5. Next she would submit that reason for non removal of office objections as given by Applicant / Caveator is on medical grounds as stated in the Application. She would submit that it would the duty of the Advocate to remove the office objections and any medical reasons of the Caveator cannot be an impediment to the Advocate for non-compliance with the orders passed by the Court.

6. I have considered the objections raised and perused the Application seeking restoration of Caveat and the grounds and contents therein. I have also perused the copy of Interim Application No.749 of 2025 seeking condonation of delay of 7 days in filing the Caveat and the reasons given therein.

7. There is no doubt about the fact that Caveator is the legal heir of the deceased. In fact Caveator is the legal heirs of the deceased son of the deceased. Applicant before me are two sibling brothers. There is a fourth sibling who is the sister of the parties before me who is also represented by an Advocate. The Caveat filed by the said sister has been dismissed on similar grounds as informed by the Advocate for Applicant / Caveator before me.

8. Be that as it may, for the reasons mentioned in the Application, I am inclined to allow restoration of the Caveat and set aside the order dated 16.01.2025. Interim Application 2082 of 2025 is allowed and disposed.

9. Needless to state that the Caveator shall be required to remove office objections within a period of four weeks from today positively. Thus order dated 16.01.2025 is quashed and set aside. Department shall permit the Caveator to remove the office objections within a period of four weeks from today.

10. Caveat stands restored to the record of the present case. The delay of 7 days in filing the Caveat stands condoned. Thus, Interim Application No.749 of 2025 is also allowed and disposed.

11. In view of the above directions, both Interim Application No.2082 of 2025 and Interim Application No.749 of 2025 are allowed and disposed.

12. Department to proceed further in accordance with law.

[MILIND N. JADHAV, J.]

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