



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION

**INTERIM APPLICATION NO. 2522 OF 2025**  
**IN**  
**TESTAMENTARY PETITION (L) NO. 3820 OF 2018**

Rabiya Sayeed Balbale

... Applicant/Petitioner.

**Versus**

Rukiya Abdul Gani Balbale (Rukiya Abdul  
Ghani Balbale) (Deceased)

... Respondent.

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*Ms. Salman Saeed Balbale a/w. Kannara Amrita Jolly and Mr Ashish Edwin for  
the Applicant/Petitioner.*  
*Mr. Pawan Tiwari for the Defendant.*  
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**Coram : Sharmila U. Deshmukh, J.**

**Date : November 10, 2025**

**P.C. :**

1. Learned counsel appearing for the Applicant tenders the additional affidavit pursuant to the order dated 6<sup>th</sup> August, 2025. The additional affidavit is taken on record.
2. Interim Application is for restoration of the Testamentary Petition which was dismissed for non-compliance of the office objection and for condonation of delay in filing the present application.
3. Learned counsel appearing for the Applicant submits that the Testamentary Petition was filed for obtaining probate of the Will of

the deceased. The Applicant approached the Municipal Corporation for obtaining the death certificate of the deceased which was pending and hence, the objections raised in the Testamentary Petition could not be complied with and even for filing of the present application there is delay. She would further submit that the legal heirs of the deceased have consented to the grant of the probate and the proceedings are not contentious.

**4.** For the reasons stated in the Interim Application read with the additional affidavit which is placed on record, the Interim Application is allowed. The delay stands condoned. Testamentary Petition No.3820 of 2018 is restored to file subject to the Petitioner complying with office objection raised by the Department within a period of three weeks from today.

**5.** Interim Application is allowed.

**[Sharmila U. Deshmukh, J.]**