

Ajay

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

INTERIM APPLICATION NO. 2896 OF 2025

IN

CAVEAT (L) NO. 12852 OF 2023

WITH

TESTAMENTARY PETITION NO. 4473 OF 2023

WITH

INTERIM APPLICATION (L) NO. 13680 OF 2024

WITH

WILL NO.1856 OF 2023

IN

TESTAMENTARY PETITION NO. 4473 OF 2023

Sandeep Sadanand Ghadi

Applicant /
.. Caveator

Vasant Narayan Ghadi alias
Vasant N. Ghadi

.. Deceased

Amol Anant alias A.A. Ghadi

.. Petitioner

.....

- Ms. Vinali P. Bhaidkar, Advocate i/by Ms. Sneha A. Nagaonkar for Applicant / Caveator.
- Ms. Archana Joglekar a/w. Mr. Sharad G. Korgaonkar, Advocates for Petitioner in Testamentary Petition No.4473 of 2023; for Applicant in Interim Application (L) No.13680 of 2024 and for Respondent in Interim Application No.2896 of 2025.

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 24, 2025.

P.C.:

1. Heard Ms. Bhaidkar, learned Advocate for Applicant / Caveator and Ms. Joglekar learned Advocate for Petitioner in

Testamentary Petition No.4473 of 2023; for Applicant in Interim Application (L) No.13680 of 2024 and for Respondent in Interim Application No.2896 of 2025.

2. Present Interim Application is filed for seeking condonation of delay in filing the Caveat by Caveator. Case of the Caveator is that Petitioner is not related to deceased whereas according to Petitioner he is adopted son of one Vasant Narayan Ghadi who was related to deceased, rather brother of deceased.

3. Reasons for the delay of 147 days is duly explained in paragraph No.3 of the Interim Application. One of the submission made by learned Advocate is that the Petition itself was duly numbered after removal of office objections in December 2023 despite it having been filed in July 2022. She would submit that citation was issued only thereafter. According to her, there are serious disputes which are also being commented upon with respect to entitlement of the property and credits of the deceased, but that would be considered when the Caveat is heard. She would also submit that there are other legal heirs of the deceased who are also entitled to the share in the property and credits of the deceased.

4. Interim Application seeking condonation of delay is opposed by the learned Advocate for Petitioner.

5. Ms. Joglekar, learned Advocate has filed Affidavit-in-Reply dated 20.09.2025 and would contend that the alleged sufficient cause explained in the Interim Application is adequate and cannot meet with the expectation of the Court and more so Applicant has proceeded on completely incorrect premises to obtain copy of Petition by filing RTS proceedings which is an incorrect procedure in law. She would submit that in view thereof the Caveat be dismissed.

6. I have heard the rival submissions at the bar and considered the same.

7. From the record it is borne out that Petitioner's claim is that he is relative of the deceased by virtue of oral adoption made on 29.05.1980 whereas it Caveator's case that such oral adoption was never known to the knowledge of the Caveator or any other family members.

8. Be that as it may, the rival claims will have to be decided in appropriate proceedings at trial. At this stage, if Caveat is dismissed, it would not be in the interest of justice since it would lead to ouster of the Caveator. *Prima facie* justifiable reasons are stated in the Application explaining sufficient cause and in view thereof, I am inclined to accept the same.

9. Interim Application is allowed. Delay of 147 days stands condoned.

10. Caveator is directed to remove office objections within a period of two weeks from today.

11. Department shall proceed with Caveat strictly in accordance with law.

12. Interim Application is disposed.

[MILIND N. JADHAV, J.]

Ajay

AJAY
TRAMBAK
UGALMUGALE

Digitally signed by
AJAY TRAMBAK
UGALMUGALE
Date: 2025.09.24
17:45:27 +0530