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

INTERIM APPLICATION NO. 4382 OF 2025
IN
CAVEAT (L) NO. 36685 OF 2022
IN
TESTAMENTARY PETITION NO. 3672 OF 2023

WITH
WILL NO. 1658 OF 2023
IN
TESTAMENTARY PETITION NO. 3672 OF 2023

Gokul Randeria and Anr. .. Applicants

IN THE MATTER BETWEEN

Godavariben I. Tailor alias Telar Godavari
Ishwarlal Telar .. Deceased

Krishna Ishwarlal Randeria .. Petitioner

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- Mr. Deven Jogdeo, Advocate for Applicants.
 - Ms. Kinjal Gogri, Advocate holding for Mr. Piyush Shah for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 17, 2025.

P.C.:

1. Heard Mr. Jogdeo, learned Advocate for Applicants and Ms. Gogri, learned Advocate for Petitioner.

2. Present Interim Application is filed for seeking restoration of the Caveat which has been dismissed for non-removal of office objections. The order of rejection is a conditional order dated 28.02.2025. Copy of the order is placed before me. It is passed by the learned Prothonotary and Senior Master of this Court.

3. Mr. Jogdeo, learned Advocate for Applicants / Caveators who are two siblings and legal heirs of deceased would submit that Petitioner before the Court is the remaining sibling. He would submit that Caveators encountered difficulty in the fact that he is the third Advocate representing and espousing their cause and this is the sole reason for the delay which has occurred in the interregnum which should not be held against the Applicants despite the fact that adequate time was given to them and extended. Therefore he would submit that in the interest of justice, order passed by the Prothonotary and Senior Master dated 28.02.2025 be set aside.

4. Ms. Gogri, learned Advocate for Petitioner would submit that repeated extension of time was granted and such dereliction should be viewed strictly by the Court and if the same is condoned, it would set a wrong precedent. She would submit that therefore the Application be dismissed.

5. I have considered the rival submissions made by the learned Advocates at the bar and in the interest of justice, considering the reasons for non removal of office objections due to change of Advocates on three earlier occasions, I am inclined to accept the submissions made by Ms. Jogdeo and allow the Interim Application. Resultantly the order dated 28.02.2025 is quashed and set aside.

6. Four weeks time is granted to Caveator to remove the office

objections. Department shall allow the Caveator to remove the office objections in accordance with law and on due compliances.

7. Department is directed to proceed with the Caveat which has been filed offline. If the Caveator desires to file a fresh copy of the Caveat, Department is directed to accept the same and take it on record and proceed in accordance with law.

8. Interim Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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