

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.5614 OF 2025

IN

CAVEAT (L) NO.21752 OF 2025

IN

TESTAMENTARY PETITION NO.5490 OF 2024

Indira Chootubhai Patel

.. Applicant

IN THE MATTER BETWEEN:

Sudha Shailesh Patel

.. Petitioner

Versus

Indira Chootubhai Patel

.. Caveator

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- Mr. Shubham Mishra, Advocate i/by Shah & Furia Associates for Applicant / Caveator.
- Mr. Vedant C. Pange, Advocate for Original Petitioner.
- Mr. Pranesh J. Gada, Advocate for Applicant / Caveator in Interim Application (Lodging) No.23103 of 2025.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 12, 2025

P.C.:

- 1.** Heard learned Advocates appearing for respective parties.
- 2.** On 05.12.2025, the following order was passed:-

"1. Heard Mr. Gada, learned Advocate for Applicant / Caveator and Mr. Mishra, learned Advocate for Caveator.

2. Interim Application (Lodging) No.23103 of 2025 which is not on board is taken up for hearing and is filed by mother of the deceased seeking condonation of delay of 75 days in filing the affidavit in support of the Caveat. Reading of the Application prima facie shows that the Caveat was filed in time but there was delay in filing the Affidavit-in-support. The reasons given in the paragraph Nos.5 to 7 of the Interim Application prima facie believable and express the exigency faced by Applicant before filing the affidavit-in-support of the Caveat. The said reasons being believable, I am inclined to accept the same for the purpose of condonation. The Interim Application is allowed. Delay is condoned. Affidavit-in-support of Caveat is directed to be taken on record.

3. Interim Application (Lodging) No.23103 of 2025 is disposed.

4. Stand over to 12th December, 2025. To be placed under the caption '**First on Board**'."

3. In view of the sufficient cause having been shown and after hearing submissions made by Mr. Pange, learned Advocate for original Petitioner and as averred in paragraph Nos.8 and 9 of Application, sufficient cause for delay of 75 days having been explained, Interim Application stands allowed in terms of prayer clause (a) which reads thus:-

“(a) The delay of 75 days in filing the Affidavit in support of the Caveat be condoned and the Applicant be permitted to file the Affidavit in support of the Caveat”.

4. Though the original Petitioner has prayed for costs, considering the exigency which has been stated for the delay which has occurred, the said request stands declined.

5. Parties are directed to apply to Department for further process in accordance with law.

6. With the above directions, Interim Application is allowed and disposed.