



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

INTERIM APPLICATION NO. 6686 OF 2025
IN
TESTAMENTARY PETITION NO. 887 OF 2017

Shankar Govind Rahate

...Deceased

Vinod Vithal Rahate

...Applicant

In the matter of :

Vinod Vithal Rahate

...Petitioner

Ms. Pooja R. Chavan for Applicant/Org. Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : 17th November, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of order dated 25th April, 2022 dismissing the Petition for non-prosecution for more than one year and for condonation of delay of 1204 days caused in filing the present Application.

2. Learned counsel appearing for Petitioner submits that there was some communication gap between the Petitioner and the earlier Advocate by reason of which no steps were taken by Applicant for the purpose of removal of office objections leading to passing of order of 25th April, 2022. She would further submit that only when the case

status was checked that the Petitioner/Applicant became aware of the dismissal of the Testamentary Petition and the present Application came to be filed. She submits that there is sufficient explanation for condoning delay of 1204 days caused in filing the present Interim Application.

3. The Petition has been dismissed for non-removal of office objections and for non-prosecution of Petition for more than a year. The delay of 1204 days is attributed to the Advocate, however, it appears that the Applicant himself had not communicated with the Advocate so as to enable him to proceed further in the matter.

4. Considering the nature of Petition, Interim Application is allowed. Delay of 1204 days caused in filing the present Interim Application is condoned subject to payment of Rs. 10,000/- to Tata Memorial Hospital within period of two weeks from today.

5. Testamentary Petition No. 887 of 2017 is restored to file.

6. Office objections to be removed within a period of 12 weeks from today.

7. List for reporting compliance on **8th December, 2025.**

[Sharmila U. Deshmukh, J.]