

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

INTERIM APPLICATION NO. 7672 OF 2025
IN
TESTAMENTARY PETITION NO. 1077 OF 2019

Jyoti Sanjay Dhage

...Applicant

Versus

Vasudev Babu Dhage

...Respondent

Mr. Prabhu Velar a/w Ms. Bhakti Patil, Advocate for the Applicant.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : DECEMBER 19, 2025

P. C. :

1. This Interim Application seeks recall of the order dated 05.04.2022 by which the Testamentary Petition came to be dismissed for non-compliance of the office objection within the stipulated period and for condonation of delay of 184 days caused in filing the Interim Application.
2. Learned counsel appearing for the Applicant submits that immediately upon the conditional dismissal, an Interim Application was filed on 01.02.2023 for restoration of the Testamentary Petition through physical filing. He submits that the Applicant was informed

that the Interim Application papers are not traceable and are misplaced by the department which led to the delay.

3. The Testamentary Petition came to be dismissed for non-removal of the office objection within the stipulated period of three weeks as per the order of the Prothonotary and Senior Master dated 05.04.2022. It is specifically pleaded that, thereafter, an Interim Application was filed on on 01.02.2023 and paragraph 9 of the Application sets out to the number of the Interim Application. It is by reason of Interim Application being misplaced that there is delay in filing of the present Interim Application. Considering that the Petition is filed for the purpose of grant of Probate, the order of 05.04.2022 qua the Testamentary Petition no. 1077 of 2019 is hereby recalled by condoning the delay of 184 days.

4. The Interim Application is allowed in terms of Prayer Clause (a) and (b). The Testamentary Application is restored to file.

[SHARMILA U. DESHMUKH, J.]