



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

**INTERIM APPLICATION NO. 250 OF 2025
IN
CAVEAT (L) NO. 145 OF 2019**

Mahipji Akhilesh Srivastava and Others ...Petitioners

Versus

Shachi Ashish Srivastava ...Applicant/Caveatrix

Mr. Vinod Sharma for Petitioner.

Mr. Sumit Sonare i/b Mr. Adil Mistry for Applicant in IA No. 250 of 2025.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 6th May, 2026

P. C. :

1. Interim Application has been preferred for condonation of delay of 31 days caused in filing Caveat and delay of 35 days caused in filing Affidavit in support of Caveat.
2. Learned counsel appearing for Applicant submits that Caveatrix is the legal heir and as her husband was out of station, she could not contact the present Advocate for the purpose of filing the Caveat and Affidavit in support of Caveat.
3. Learned counsel appearing for Respondent/org. Petitioner would oppose the application and would contend that there is no

sufficient explanation tendered for delay.

4. Delay is of 31/35 days which is not such an inordinate, colossal delay, which cannot be condoned.
5. It is well-settled that liberal approach is required to be taken and in the present case, in my view, explanation which has been tendered is sufficient to condone the delay.
6. In view of above, Interim Application is allowed. Delay stands condoned.
7. Department is directed to convert Testamentary Petition into Testamentary Suit.

[SHARMILA U. DESHMUKH, J.]