

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

INTERIM APPLICATION NO. 1085 OF 2026
(For Restoration)
IN
TESTAMENTARY PETITION NO. 494 OF 2020

Suhas Dhondiram Gharge ...Applicant

IN THE MATTER BETWEEN :

Dhondiram Jagananth Gharge ... Deceased

Versus

Suhas Dhondiram Gharge ...Petitioner

Mr. Pramod Tambe for the Applicant

CORAM : SHARMILA U. DESHMUKH, J.

DATE : MARCH 16, 2026

P. C. :

1. Interim Application has been preferred seeking restoration of the Testamentary Petition which came to be dismissed by a common order dated 10th January 2023.
2. Learned counsel appearing for the Applicant submits that time was consumed in complying with the office objection requiring production of an affidavit for deceased declaration along with the identity proof of the deceased. As a result, the conditional order came into effect and the Testamentary Petition came to be dismissed.

3. He would further submit that there is delay of 789 days in preferring Interim Application as his advocate on record met with an accident and therefore was unaware of the passing of the order.
4. For the reasons stated in the application, the delay of 789 days stands condoned. The order of 10th January 2023 *qua* the present Testamentary Petition No.494/2020 stands recalled. Testamentary Petition is restored to file, subject to compliance of the office objections within a period of eight weeks from today.
5. Interim Application is disposed of accordingly.

[SHARMILA U. DESHMUKH, J.]