

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

INTERIM APPLICATION NO.1744 OF 2026
IN
PETITION NO. 270 OF 2026

KANTA MALLAYYA THOTA)...APPLICANT

IN THE MATTER BETWEEN

MALLAYYA @ MALLAIAH BUCHAYYA THOTA)
ALIAS THOTA MALLAIAH S/O. THOTA)
BUCHAIAH ALIAS THOTA BUCHAYAA)...DECEASED

SRILATA MALLAYYA THOTA)...PETITIONER

V/s.

KANTA MALLAYYA THOTA)...RESPONDENT

Mr.Yatin Shah, Advocate for the Caveator/Applicant.

CORAM : ABHAY AHUJA, J.

DATE : 12th JUNE 2026

PC. :

1. This application seeks condonation of delay of eighteen days in filing the Caveat as well as the Affidavit in support of the Caveat.

2. Mr.Yatin Shah, learned Counsel, appears for the Caveator and submits that since the Applicant was residing in Telangana and reached Bombay only on 27th February 2026, although the Caveat was received on 10th February 2026, there has been a delay due to circumstances

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beyond the control of the Applicant, which may be condoned by this Court. Mr.Shah submits that since the Grant has not been issued as yet, no prejudice would be caused and accordingly, this application be allowed by condoning the delay and directing the Registry to accept the Caveat and the Affidavit in support.

3. Having heard the learned Counsel and having considered the submissions and having perused the application with his assistance, this Court is of the view that the application be allowed.

4. The delay of eighteen days is hereby condoned.

5. Registry is directed to accept the Caveat and the Affidavit in support, subject to other objections that may be raised by the Registry.

6. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)