

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 101 OF 2012
IN
TESTAMENTARY PETITION NO. 194 OF 2012**

Prakash Motiram Gharat	...Applicant
<i>In the matter between</i>	
Shri Anand Shatat Gharat	...Petitioner
<i>Versus</i>	
Prakash Motiram Gharat	...Caveator

Mr. Sameer Sawant, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 26th June 2015

PC:-

1. This Chamber Summons listed today for dismissal. It was last on board on 23rd June 2015. On that date too, none appeared for the Applicant.
2. The Chamber Summons is of 2012. Learned Advocate for the Petitioner makes a grievance, and in my view quite correctly, that despite being pending for three years, the Chamber Summons has not even been served as yet by the Applicant on the Petitioner.

The application itself is to condone the delay of four weeks and four days in filing an Affidavit in Support of the Caveat.

3. Given the persistent absence of both the party and his Advocate, coupled with the fact that the Chamber Summons has remained unserved even after three years, I do not think that there is any question of further adjourning this matter.

4. The Chamber Summons is dismissed with no order as to costs.

(G. S. PATEL, J.)