

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 86 OF 2015
IN
TESTAMENTARY PETITION NO. 613 OF 2013**

Jasvinder C Singh & Ors.	...Applicant
<i>In the matter between</i>	
Rajesh Darshanlal Bindra	...Petitioner
<i>Versus</i>	
Jasvinder C Singh & Ors.	...Respondents

Mr. Prasad Pathare, i/b Brijesh R. Patil, for the Petitioner.
Mr. Pratap Singh, for the Defendants.

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

PC:-

1. Heard. Affidavit in Reply taken on record.
2. For the reasons set out in the Affidavit in Support and in particular in paragraph 17 of that Affidavit and to which there is no effective reply, the Chamber Summons is made absolute in terms of prayer clause (a). The delay is condoned.

3. The principal reason for allowing this Chamber Summons is that the Applicants claim that they had not the financial means to pursue their cause earlier. I see no reason to further disadvantage them. That is a sufficient ground for allowing the Chamber Summons. However, the Applicants must be put to some terms, as follows:-

- (a) That the Caveat and Affidavit in Support will be filed and served no later than 4th September 2015.
- (b) There will be no extension of time under any circumstances whatsoever.

4. Upon the Caveat and Affidavit in Support being filed, the Petition to be immediately renumbered as a Suit and to be listed on 8th September 2015 high on board for framing issues.

5. It is clarified that if Caveat and Affidavit in Support are not filed by 4th September 2015, the Registry will not accept any Caveat and Affidavit in Support thereafter and no further application for leave or condonation on the part of the Applicants will then be entertained. In default, the Petition is to proceed as an uncontested Petition for grant of Probate.

6. Chamber Summons is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)