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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 165 OF 2014
IN
TESTAMENTARY PETITION NO. 935 OF 2011**

Bhavana R. Dodani Nee Lavina Pritam Bhojwani	...Applicant
<i>In the matter between</i>	
Rajan Pritam Bhojwani & Anr.	...Petitioners
<i>And</i>	
Pritam Tolaram Bhojwani	...Deceased

Mr. Phiroze Merchant, *with Mr. O.P. Singal, i/b S. Malik, for the Applicant..*

Ms. Triveni Jani, *with Ms. Disha Sanghavi, i/b Markand Gandhi & Co., for the Petitioners.*

CORAM: G.S. PATEL, J
DATED: 21st January 2015

PC:-

1. The Chamber Summons seeks condonation of a delay of 951 days in filing an affidavit in support of the Caveat. The Applicant is present in Court. She says that she was at various times she was either engaged in a stressful parallel litigation in the Cooperative Court or hospitalized. She claims that she is still under medication.

There are no documents annexed to this affidavit in support. However, it seems that the Petition for Letters of Administration was dismissed for default and was restored only in September 2014. It is for that limited reason that I am granting the relief sought.

2. The Chamber Summons is made absolute in terms of prayer clause (a). Affidavit in support to be filed and served on or before 6th February 2015 with no possibility of an extension. If that affidavit is not filed and served by that date, it will then not be taken on record. The Caveat will then stand dismissed and discharged without further reference to the Court and the Petition will proceed as an uncontested Petition for grant of Letters of Administration. Should the affidavit in support of the Caveat be filed, the Petition will be renumbered as a Suit and will be listed on 9th February 2015 for framing issues.

(G. S. PATEL, J.)