

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

CHAMBER SUMMONS NO.128 OF 2015

IN

PETITION NO.832 OF 2014

Bakhtawar M. Talati

...Applicant/Caveator

IN THE MATTER BETWEEN:

Armaity Cyrus Katrak

...Petitioner

V/s.

Bakhtawar M. Talati

...Respondent

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Mr. Prashant Tikare i/by Zenobia S. Irani, Advocates for the Petitioner.
Ms. Sarika Mehra i/by LJ Law, Advocate for the Respondent.

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CORAM : A. K. MENON, J.

DATE : 2ND DECEMBER, 2015.

PC.:

This Chamber Summons is taken out for condonation of delay of 128 days in filing the affidavit-in-support of the Caveat. The learned counsel for the Petitioner points out that the reasons given in the affidavit-in-support seeking condonation of delay are not sufficient. He further points out that even the title of the affidavit-in-support is incorrect inasmuch as it mentions name of Mrs. Nergish Ratansha Kapadia whereas

the Petition for letters of administration to the property and credits of late Merwanji Cawasji Madon.

2 Heard Parties. The learned Advocate for the Caveator seeks leave to amend cause title in the affidavit-in-support to replace the name of Nergish Ratansha Kapadia with Late Merwanji Cawasji Madon. Having perused the affidavit-in-support of the Chamber Summons, I am satisfied with the reasons set out therein. In my view, the delay deserves to be condoned. However, this will be subject to payment of costs. I therefore pass the following Order ;

- (i) Leave to amend cause title is granted. Amendment to be carried out forthwith.
- (ii) The Chamber Summons made absolute in terms of prayer clauses (a) and (b).
- (iii) Applicants shall pay costs of this application fixed at Rs.1500/- within a period of one week from today.

(A. K. MENON, J.)