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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 7 OF 2015
IN
TESTAMENTARY SUIT NO. 58 OF 2009
IN
TESTAMENTARY PETITION NO. 695 OF 2008**

Rebecca Datta nee Rebecca Dey	...Applicant
<i>In the matter between</i>	
Prasad T. Tendulkar	...Plaintiff
<i>Versus</i>	
Rebecca Datta	...Defendant

Mr. Sanjay Gawde, for the Plaintiff.
Mr. G. K. Wadhwa, for the Defendant .

CORAM: G.S. PATEL, J
DATED: 16th February 2015

PC:-

1. For the reasons set out in the affidavit in support and despite the vigorous opposition from the learned Advocate for the Defendant, the delay is condoned.

2. The Chamber Summons is made absolute in terms of prayer clauses (a) and (b).
3. Affidavit in support of the Caveat to be filed (a copy has already been served) before 5:00 pm on 20th February 2015. If the affidavit in support of the Caveat is not filed by that time, the Caveat will stand discharged without further reference to the court, the Suit will stand decreed and the Petition will proceed as an uncontested Petition for the grant of probate.
4. It is made clear that in default of compliance of this order, no further application for condonation of delay will be entertained even on payment of costs.
5. If the affidavit in support is filed as directed, list the Suit for framing issues on 24th February 2015.
6. The Chamber Summons is disposed of in these terms.

(G. S. PATEL, J.)