

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 47 OF 2016
IN
TESTAMENTARY SUIT NO. 84 OF 2013
IN
TESTAMENTARY PETITION NO. 355 OF 2011**

Sudnya Ramesh Patkar	...Plaintiff
<i>Versus</i>	
Shailaja Madan Dua	...Defendant

Mr. K.T. Kukreja, i/b Suman Jain, for the Applicant/Plaintiff.
Mr. K.K. Jadhav, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 6th April 2016

PC:-

1. The application is for condonation of a delay of 465 days. It relates to filing of Affidavit of Evidence of the Plaintiff. The reason for the delay set out in the Affidavit of Support is one that cannot be discarded.

2. It appears from these averments and the supporting documents that the Applicant was repeatedly under treatment for various ailments. I do not think it is possible to hold that in the few

gaps between these various ailments, the litigant could be expected to rush to Court. The ailments that are spoken of are serious. There are statements about short periods of hospitalization as well or at least evidence of hospitalization. I am inclined to accept these explanations especially since the witness is 68 years old.

3. The Chamber Summons is made absolute in terms of prayer clauses (a) and (b). The Affidavit of Evidence that is required is ready. It is to be filed in the Registry. A compilation of document is also ready. This is also to be filed in the Registry.

4. List the Suit for marking the Plaintiff's documents on 2nd May 2016.

(G. S. PATEL, J.)