

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 57 OF 2016
IN
CHAMBER SUMMONS (L) NO. 397 OF 2015
IN
TESTAMENTARY PETITION NO. 1247 OF 2015**

Asha Tulsidas Narang alias Asha Narang	...Petitioner
<i>Versus</i>	
Amit Kishore Narang	...Defendant

None for the Applicants.

Mr. Ravi Rattesar, *i/b M/s. D. M. Harish & Co., for the original
Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 21st April 2016**

PC:-

1. This is the second time the Chamber Summons is listed. It is earlier listed on 18th April 2016. None appeared for the Caveator/Applicant then. None appears now.

2. The application in the Chamber Summons is for condonation of delay of five days in filing the Caveat. I would not have had any hesitation in allowing the Chamber Summons. However, this does

need the presence of either the Applicant or at least his Advocate. It is neither reasonable nor fair to harass the Petitioner, who is evidently of advanced years and has been repeatedly coming to Court, and is also clearly unwell, in this fashion.

3. I may also note that in addition to remaining absent, the Caveator even not cared to serve the Chamber Summons. Advocates for the Petitioners have noticed the matter on board and are, therefore, present.

4. The Caveator's Chamber Summons is dismissed with no order as to costs.

5. It is clarified that this Chamber Summons will not be restored on a mere praecipe. It will not be restored without notice to the either side. It will also not be restored without payment of costs.

(G. S. PATEL, J.)