

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
CHAMBER SUMMONS NO. 60 OF 2012  
IN  
TESTAMENTARY PETITION NO. 339 OF 2010**

|                          |                |
|--------------------------|----------------|
| Surendra Kashib          | ...Petitioner  |
| <i>Versus</i>            |                |
| Dolly Dady Writer & Anr. | ...Respondents |

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**Mr. Vinod Kothari**, *i/b M/s. Apex Law Partner, for the Petitioner.*  
**Mr. B. Amin**, *i/b M/s. B. Amin & Co., for the Applicant/Respondent.*

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

**PC:-**

1. The delay is considerable. An Affidavit in Support of the Motion stating that it was not deliberate is on file. It is settled law that no party should be suffer for the fault of his or her lawyer. The delay is condoned. The Chamber Summons is made absolute in terms of prayer clause (a). There will be no order as to costs.
  
2. If not already done, a Caveat and Affidavit in Support to be filed and served on or before 1st July 2016 with no possibility of an extension, even on payment of costs. This is a final opportunity to the Applicant. If the filing and service are not done by that date, the

Petition will proceed without further reference to the Court as an uncontested Petition.

3. In the event that filing and service are completed by the date mentioned above, the Petition to be renumbered as a Suit and the Suit to be listed on 8th July 2016 for framing issues and for further directions.

4. The Chamber Summons is disposed of in these terms. All concerned to act on an authenticated copy of this order.

**(G. S. PATEL, J.)**