IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO.41 OF 2014
IN
TESTAMENTARY PETITION NO.1350 OF 2012

Brahmesh Somabhai Patel ....Applicant/Org. Caveator

IN THE MATTER BETWEEN :

Kokila Niranjan Patel & Ors. ....Petitioners

Vs.

Somabhai Motibhai Patel ....Deceased

Mr. Prakash Shinde i/b. MDP and Partners for the petitioner.
Ms. Shaista Pathan i/b. M/s. Yusufs and Associates for the applicant/ original caveator.

CORAM : K.R.SHRIRAM, J.
DATE : 25th JANUARY, 2017

P.C.:

1 Have considered the affidavit in support, affidavit in reply and affidavit in rejoinder. The explanation for the delay is after the arbitration award was published, it being a family dispute, many of the relatives were trying to resolve the disputes between the parties. It is also stated in the affidavit in rejoinder that no citation was even served upon the applicant. There is no affidavit denying that averment.

2 Therefore, the delay is condoned. The registry is directed to take on file Caveat and affidavit in support of the applicant and convert the petition into suit.

3 The chamber summons accordingly stands disposed.

(K.R. SHRIRAM, J.)

Gauri Gaekwad