

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

CHAMBER SUMMONS NO. 47 OF 2017

IN

CAVEAT NO. 471 OF 2016

IN

TESTAMENTARY PETITION NO. 1793 OF 2016

Ms.Tanaz Rumi Dalal alias
Ms.Tina Rumi Dalal & Anr.

.. Applicants

In the matter between :

Vispy Keki Dalal
Vs.

.. Petitioner

Ms.Tanaz Rumi Dalal alias
Ms. Tina Rumi Dalal & Anr.

.. Caveators

Mr.Vipul Bilve i/b M/s. Mulla and Mulla & Craigie Blunt and Caroe for petitioner.

Mr.Rohaam Cama a/w. Mr.Punit Damodar, Ms.Nikita Vardhan and Mr.Nikhil Upadhyay i/b Kanga and Co. for caveator/applicant.

CORAM : K.R.SHRIRAM, J.

DATE : 12TH APRIL, 2017

P.C.

1 Heard the counsel and also considered the affidavit in support. Mr Bilve for the petitioner submits that the reasons given in the affidavit in support are not enough to warrant condonation of delay and grant of extension.

2 I am afraid, I do not agree with Mr. Bilve. In my view, the explanation

given in paragraphs 1, 2 and 3 of the affidavit in support justifies the extension sought. Moreover, since it is a dispute between family members, special equities should prevail. Moreover, it is stated that even the citation has not been served. The counsel for the petitioner is not disputing this fact but states that the citation could not be served because before it could be served, there has been a change of address of the applicant.

3 Therefore, the chamber summons is allowed in terms of prayer clauses (a) and (b) and accordingly disposed.

4 The suit be listed for issues on 2nd May 2017 on which date, the parties to come up with agreed draft issues.

(K.R. SHRIRAM, J.)