

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO. 110 OF 2017

IN

CAVEAT NO. 13 OF 2017

IN

TESTAMENTARY PETITION NO. 1655 OF 2015

Smita Sadanand Chalke & Ors.] Applicants

IN THE MATTER BETWEEN:

Meghana Vijesh nee Meghana Arjun]
Sawant] Petitioner

Vs.

Smita Sadanand Chalke & Ors.] Caveators

.....
Ms. Sharmili Mhatre i/b Mr. Sachin Mhatre for
applicants/Caveators.

Ms. Reshma Chitnis i/b M/s. Chitnis Vaithy & Co., for
respondent/petitioner.

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CORAM : R.G. KETKAR, J.

DATE : 6TH SEPTEMBER, 2017.

P.C.:

Heard Ms. Mhatre, learned Counsel for applicants and
Ms. Chitnis, learned Counsel for respondent/petitioner.

2. By this Chamber Summons, applicants have prayed for
condoning delay of 240 days for filing affidavit in support of the
Caveat.

3. Ms. Mhatre has invited my attention to communications dated 30th September, 2015 [Exhibit-A], 20th August, 2016 [Exhibit-B] and 29th August, 2016 [Exhibit C] and 17th April, 2017 [Exhibit-E]. She submitted that affidavit in support of the Caveat was notarized on 26th April, 2017 and was filed on 6th May, 2017. She, therefore, submitted that delay of 240 days in filing affidavit in support of Caveat may be condoned.

4. On the other hand, Ms. Chitnis for the opponent has strenuously opposed the prayer for condonation of delay and submitted that no sufficient cause is made out for condoning delay.

5. After perusing annexures to the affidavit in support, I am satisfied that applicants have made out sufficient cause for condoning delay. Hence, Chamber Summons is made absolute in terms of prayer clauses (a) and (b) with no order as to costs. Office objections shall be removed within one week from today.

[R.G. KETKAR, J.]