

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO. 117 OF 2017

IN

TESTAMENTARY PETITION NO. 1557 OF 2016

Kamal Kakwani] Applicant

In the matter between

Vijay Issardas Thawani] Petitioner

Vs.

Kamal Kakwani] Caveator

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Mr. H.S. Khokantala i/b Nankani & Associates, for applicant.

Ms. Nivedita Kundaji i/b N.M. Alemeida, for Caveator.

.....

CORAM : R.G. KETKAR, J.

DATE : 14th AUGUST, 2017.

P.C.

Heard Ms. Kundaji, learned Counsel for the applicant and Mr. Khokhantala, learned Counsel for the respondent.

2. By this Chamber Summons applicant/caveator seeks condonation of 2 days delay in filing affidavit dated 16th June, 2017 in support of the Caveat dated 9th June, 2017.

3. Mr. Khokhantala has invited my attention to the affidavit in support of the Chamber Summons dated 20th July, 2017 and submitted that for the reasons set out therein delay of 2 days

in filing the affidavit in support of caveat may be condoned.

4. On the other hand, Ms. Kundaji strenuously opposed the Chamber Summons on the ground that no sufficient cause is made out for condoning delay. After perusal of the material on record, I am satisfied that the applicant has made out sufficient cause for condoning the delay of 2 days. Accordingly, Chamber Summons is made absolute in terms of prayer clause (a) with no order as to costs.

5. In view thereof, Caveat Testamentary Petition is turned into Testamentary Suit. Order accordingly.

[R.G. KETKAR, J.]