

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 14 OF 2018
IN
CAVEAT NO.347 OF 2016
IN
TESTAMENTARY PETITION NO.685 OF 2016

Darshan Shashikant Gurav Applicant

IN THE MATTER BETWEEN

Ganpat Balkrishna Gurav Deceased

Jagdish Ganpat Gurav & Anr. Petitioners

VERSUS

Darshan Shashikant Gurav Caveator

Mr.D.Deshmukh, i/b. Mr.Garfield Mendonica for the Applicants.

CORAM : R.D. DHANUKA, J.

DATE : 26th NOVEMBER, 2018

P.C.

Learned counsel appearing for the applicant states that the learned advocate representing the original petitioner has been served with the chamber summons. Statement is accepted.

2. None appeared for the petitioners when the matter was called out.

3. By this chamber summons, the applicant seeks condonation of delay of 142 days in filing affidavit in support of the caveat.

4. The applicant has already filed a caveat on 10th August, 2016. The affidavit in support of the caveat is ready. In paragraphs 5 to 8 of the affidavit in support, the applicant has rendered various reasons causing delay in filing affidavit in support of the caveat. No affidavit in reply has been filed by the original petitioners. The explanation rendered in paragraphs 4 to 8 of the affidavit in support of the chamber summons is accepted.

5. For the reasons recorded in the affidavit in support of the chamber summons, chamber summons is allowed by allowing condonation of delay of 142 days in filing affidavit in support of the caveat.

6. The learned Prothonotary and Senior Master is directed to accept the said affidavit in support of the caveat if filed within one week from today. Upon filing such affidavit, the testamentary petition to be converted into a testamentary suit.

7. Chamber summons is allowed in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]