

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 23 OF 2018
IN
TESTAMENTARY SUIT NO. 8 OF 2018
IN
TESTAMENTARY PETITION NO. 2244 OF 2017**

Devika Sunil Jamdar ...Plaintiff
Versus
Serika Lal Alias Serika Aggarwal & Anr ...Defendants

Ms Indrayani Mandar Koparkar, *for the Plaintiff/Applicant.*
Mr H Halai, *with P Ranjan, i/b Halai & Co., for the Defendants/
Caveators.*

CORAM: G.S. PATEL, J
DATED: 10th April 2018

PC:-

1. This Chamber Summons is filed by the Plaintiff to dismiss the Caveats filed by the two Defendants. All three are sisters. The fourth sister, Kavita, has filed an Affidavit consenting to the Petition but is apparently now having second thoughts, although she has as yet taken no steps whatsoever to revoke that consent.
2. In any case, the grounds set out to dismiss the two Caveats are untenable. Mrs Koparkar for the Plaintiff states that no

documents have been disclosed in opposition. This is not a requirement at this stage. The time for evidence will come later. The caveats cannot be dismissed in a summary fashion for such reasons.

3. In any case, as it happens, the second Caveator, Vinita Sanghi has filed no Affidavit in Support of her Caveat. The time for filing that Affidavit has long passed. There is thus no proper Caveat and, therefore, for those reasons, but not for the reasons the Plaintiff says, the Caveat filed by Vinita Sanghi is discharged. The Caveat filed by Ms Serika Lal Alias Serika Aggarwal will continue.

4. The remaining prayers are for expediting the Suit and suitable directions. Issues have not yet been framed nor have directions been issued for filing of Affidavit of Evidence and documents.

5. List the Suit for framing issues on 2nd May 2018.

6. All contentions are specifically kept open.

7. The Chamber Summons is disposed of in these terms. No costs.

(G. S. PATEL, J)