

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 46 OF 2018
IN
CAVEAT (L) NO.411 OF 2017
IN
TESTAMENTARY PETITION NO.1462 OF 2017

Kawaljeet Kaur Chheda Applicant

IN THE MATTER BETWEEN

Jagir Singh
s/o. Late Shivram Gupta Deceased

Harvindersingh Jagir Singh Gupta Petitioner

VERSUS

Kawaljeet Kaur Chheda Caveator

None for the Applicant.

Ms.Preeti Gada, a/w. Ms.Disha Vardhan for the Petitioner/Respondent
in Chamber Summons.

CORAM : R.D. DHANUKA, J.

DATE : 26th NOVEMBER, 2018

P.C.

None appeared for the applicant when the matter was called out. However, this court has gone through the affidavit in support of the chamber summons and also the affidavit in reply filed by the original petitioner. This court has also heard the learned counsel appearing for the original petitioner opposing the chamber summons.

2. A perusal of the affidavit in support of the chamber summons

indicates that the caveator stays at Indore, Madhya Pradesh. The applicant in the chamber summons has explained the delay in paragraphs 3 to 5 of the affidavit in support of the chamber summons.

3. The original petitioner however has opposed this chamber summons on the ground that the applicant has not explained the delay of 8 days in filing affidavit in support of the caveat. In my view, there is no substance in the objection raised by the original petitioner. The delay is sufficiently explained in the affidavit in support of the chamber summons.

4. For the reasons recorded in the affidavit in support of the chamber summons, chamber summons is made absolute in terms of prayer clause (a).

5. Learned Prothonotary and Senior Master is directed to take the affidavit in support of the caveat on record and to convert the testamentary petition into the testamentary suit.

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

[R.D. DHANUKA, J.]