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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

CHAMBER SUMMONS NO.152 OF 2017
IN
TESTAMENTARY PETITION NO.339 OF 2017

Hema B. Walia @ Hemlata Mistry ...Applicant

IN THE MATTER BETWEEN :

Girish H. Mistry ...Petitioner
V/s.

Hema B. Walia @ Hemlata Mistry ...Caveatrix

Mr.Ashok Tajane for the Applicant.

Ms.Jyoti Mistry I/b M/s.S.K. Srivastav & Co. for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 18TH DECEMBER, 2018.

P.C. :-

1. By this chamber summons, the applicant seeks condonation of delay of 13 days in filing the affidavit in support of the Caveat No.178 of 2017.

2. It is not in dispute that the caveat has been already filed by the applicant as per the provisions of Bombay High Court (O.S.) Rules. In paragraphs 5 to 11, the applicant has explained the delay of 13 days in filing the affidavit in support of the caveat. In my view, there is no substance in the objection raised by the original petitioner

against granting condonation of delay of 13 days in filing the affidavit in support of the caveat. In my view, the applicant has explained the delay satisfactorily in the affidavit in support of the chamber summons and also the affidavit in rejoinder.

3. The chamber summons is made absolute in terms of prayer clause (a) and (b). The Prothonotary & Senior Master of this Court is directed to accept the affidavit in support of the caveat on record and to convert the testamentary petition into testamentary suit. There shall be no order as to costs.

(R.D. DHANUKA, J.)