

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 90 OF 2018
IN
CAVEAT NO. 109 OF 2018
IN
TESTAMENTARY PETITION NO. 577 OF 2014

Anwarali Akhtarali Khan **Applicant**

IN THE MATTER BETWEEN

Shahana Begum **Petitioner**

VERSUS

Anwarali Akhtarali Khan **Caveator**

Mr. Oneza Shaikh, i/b. Mr. N.A. Ghatte for the Applicant.

Ms. Shahana Begum, Respondent/Original Petitioner present.

CORAM : R.D. DHANUKA, J.

DATE : 26th NOVEMBER, 2018

P.C.

By this chamber summons, the applicant seeks condonation of delay of one day in filing affidavit in support of caveat. Chamber summons is opposed by the original petitioner who appears in person. No affidavit in reply is filed. I have heard learned counsel appearing for the applicant and the petitioner in person and I have perused the averments made in the affidavit in support of the chamber summons. Delay of one day in filing affidavit in support of caveat is sufficiently explained and the same is accordingly condoned.

2. Chamber summons is made absolute in terms of prayer clause

(a).

3. Learned Prothonotary and Senior Master is directed to accept the affidavit in support of caveat and convert the testamentary petition into a testamentary suit.

4. Chamber summons is disposed of in the aforesaid terms. There shall be no order as to costs.

[R.D. DHANUKA, J.]