

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 125 OF 2018
IN
CAVEAT (L) NO. 238 OF 2018
IN
TESTAMENTARY PETITION NO. 1232 OF 2018

Govind Ramchandra Gole **Deceased**

Kirtiraj Gole **Applicant**

IN THE MATTER BETWEEN

Sambhaji Vinayak Jagtap **Petitioner**

VERSUS

Kirtiraj Gole **Caveator**

Mr. Prashant Daranchale for the Applicant.

Mr. Yunus Vakharia for the Respondent/Original Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 26th NOVEMBER, 2018

P.C.

Learned counsel appearing for the applicant states that the original petitioner has been served. The service affidavit has been already filed. No affidavit in reply is filed.

2. Heard learned counsel appearing for the applicant. I have perused the averments made in the affidavit in support of the chamber summons. The applicant has sufficiently explained the delay of 53 days in filing caveat in paragraph (2) of the affidavit in support of the

chamber summons.

3. For the reasons recorded in paragraph (2) of the affidavit in support of the chamber summons, chamber summons is made absolute in terms of prayer clause (a).

4. Learned Prothonotary and Senior Master is directed to accept the caveat and affidavit in support of the caveat which are already filed by the applicant, on record and to convert the testamentary petition into the testamentary suit. There shall be no order as to costs.

[R.D. DHANUKA, J.]