

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 121 OF 2018
IN
CAVEAT NO. 241 OF 2018
IN
TESTAMENTARY PETITION NO. 1232 OF 2018

Govind Ramchandra Gole Deceased
Deepa Subhash Khandagale Applicant

IN THE MATTER BETWEEN

Sambhaji Vinayak Jagtap Petitioner
VERSUS
Deepa Subhash Khandagale Caveator

Mr. Prashant Daranchale for the Applicant.

Mr. Yunus Vakharia, I/b. Deshmukh Bhosale Legal Associates for the Respondent/Original Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 5th DECEMBER, 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 55 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.

5. The applicant is directed to pay a cost of Rs.3,000/- to the original petitioner within two weeks from today.

[R.D. DHANUKA, J.]