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

CHAMBER SUMMONS NO.178 OF 2017
IN
CAVEAT (LODGING) NO.306 OF 2017
IN
TESTAMENTARY PETITION NO.869 OF 2016

Vaishali A. Rajbhar @ Amrute ...Applicant

Dattaram V. Amrute ...Deceased

IN THE MATTER BETWEEN :

Siddharth S. Amrute & Anr. ...Petitioners
V/s.

Vaishali A. Rajbhar @ Amrute ...Caveatrix

Mr.Prabhakar Jadhav for the Applicant.

None for the Respondents / Original Petitioners.

CORAM : R.D. DHANUKA, J.
DATE : 12TH DECEMBER, 2018.

P.C. :-

1. Learned counsel appearing for the applicant has been served with a copy of the chamber summons. None appeared for the original petitioners when the matter was called out. No affidavit in reply has been filed.

2. With the assistance of the learned counsel for the applicant, I have perused the averments made in the affidavit in

support of the chamber summons. I am satisfied that the delay in filing the affidavit in support of the chamber summons is satisfactorily explained in paragraphs 4 to 6.

3. For the reasons recorded in the affidavit in support of the chamber summons, the delay of 113 days in filing the affidavit in support of the chamber summons is condoned.

3. The chamber summons is made absolute in aforesaid terms. There shall be no order as to costs.

4. The Prothonotary & Senior Master is directed to convert the testamentary petition into testamentary suit.

(R.D. DHANUKA, J.)