

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***TESTAMENTARY AND INTESTATE JURISDICTION*****CHAMBER SUMMONS NO. 109 OF 2018****IN****CAVEAT ST. NO. 164 OF 2018****IN****TESTAMENTARY PETITION NO. 2183 OF 2016****Khorshed Eddie Nagarwalla
alias Khorshed Nagarwalla****..... Deceased****Mahrukh Daryus Panthakey****.... Applicant
(Org.Caveator)****IN THE MATTER BETWEEN****Navaz Bomi Irani****..... Petitioner****VERSUS****Mahrukh Daryus Panthakey****..... Caveator**

Mr.Anjali Trivedi for the Applicant.

Mr.Nimay Dave, i/b. Mr.Jayesh Vyas for the Respondent/Original
Petitioner.**CORAM : R.D. DHANUKA, J.****DATE : 8th JANUARY, 2019****P.C.**

By this chamber summons, the applicant (original caveator) seeks condonation of delay of 21 days in filing affidavit in support of the caveat.

2. Heard learned counsel appearing for the parties and perused the averments made in the affidavit in support of the chamber summons. No affidavit in reply is filed by the original petitioner. For the reasons

recorded in the affidavit in support of the chamber summons, in my view delay of 21 days in filing caveat and affidavit in support is sufficiently explained and is accordingly condoned. Chamber summons is accordingly made absolute in the aforesaid terms.

3. Learned Prothonotary and Senior Master is accordingly directed to accept the affidavit in support of the caveat and to convert the testamentary petition into the testamentary suit. No order as to costs.

4. Place the matter on board for directions on **28th January, 2019**.

5. At this stage, learned counsel appearing for the applicant states that there is formal delay of one day in filing caveat on behalf of his client. For the same reason, delay of one day in filing caveat is also condoned.

[R.D. DHANUKA, J.]