

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 185 OF 2020
IN
CHAMBER SUMMONS (L) NO. 214 OF 2018**

Kishore Kesarinath Mhatre	...Applicant
<i>In the matter between</i>	
Mangesh Kesarinath Mhatre	...Petitioner
<i>Versus</i>	
Kishore Kesarinath Mhatre	...Respondent

**Ms Yogita D Chitnis, for the Applicant/Caveator.
None for the Petitioner.**

**CORAM: G.S. PATEL, J
DATED: 9th March 2021**

PC:-

1. The Caveator was delayed by two months in filing the Caveat. Chamber Summons (L) No. 214 of 2018 for condoning the delay in filing Caveat was dismissed in default.

2. Interim Application No. 1 of 2020 seeks to restore Chamber Summons (L) No. 214 of 2018 which seeks that the delay in filing the Caveat be condoned. The Caveat was delayed on account of the personal health issues of the Advocate for the Defendant and not on

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account of any default on the part of the Defendant/Caveator himself.

3. Accordingly, the Interim Application is made absolute. Chamber Summons (L) No. 214 of 2018 is restored to file.

4. I would ordinarily have allowed the Chamber Summons immediately but Ms Neeta Paiekh, the Advocate for the Petitioner is not present in Court.

5. List the Chamber Summons for condonation of delay on 12th March 2021.

6. The Interim Application is disposed of in these terms. No costs.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)