

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

INTERIM APPLICATION NO. 2229 OF 2021

IN

CAVEAT (L) NO.11621 OF 2021

IN

TESTAMENTARY PETITION NO. 109 OF 2021

Sachin Begrajka

.. Petitioner

vs.

Meera Chowdhary

.. Applicant/Caveator

Yashvi Panchal for the Applicant.

CORAM:- ARIF S. DOCTOR, J.

DATE :- 19th DECEMBER, 2022.

P. C.:

1. The present Application has been filed seeking condonation of delay of 54 days in filing the Affidavit-in-Support of the Caveat.

2. Learned counsel appearing on behalf of the Applicant has set out in the said Application that citation was served upon the Applicant at her residence on 27th April, 2021 and the caveat is filed on 12th May, 2021. Thereafter, in view of the then on going COVID-19 pandemic and the then lockdown imposed by the Maharashtra Government, which was upto 15th June, 2021, the Applicant could not file the Affidavit-in-Support of the Caveat within the time prescribed under Rule 402 of the Bombay High Court Original Side Rules, 1980.

3. The Application also sets out that the Applicant is a senior citizen with co-morbidities and was thus in the high risk category of persons more likely severally affected by COVID-19.

4. I have heard the learned counsel for the Applicant and also perused the copies of Interim Application. I am satisfied that the same deserves to be allowed in the interest of justice. To my mind, the Applicant

has set out sufficient cause which prevented her to filing the Caveat and Affidavit-in-Support within time. Thus, delay must be condoned in the interest of justice.

5. Learned counsel for the Applicant states that she undertakes to file an Affidavit of Service in the Registry within one week from today.

6. The Interim Application is disposed of. No order as to costs.

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(ARIF S. DOCTOR, J)