

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.3908 OF 2022
IN
CAVEAT (ST) NO.6177 OF 2022

Ram Narayan Shitla Prasad Singh

... Deceased

Dev Narayan Shitlaprasad Singh

... Applicant

In the matter between

Meetaba Ramnarayan Singh

... Cavratee/Plaintiff

V/s.

Dev Narayan Shitlaprasad Singh

... Caveator/Defendant

Ms. Swati D. Sawant for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND JANUARY 2023

P.C. :

1. By the present Interim Application, the Applicant seeks condonation of delay for a period of 114 days in filing the affidavit in support of the Caveat.

2. Since, there was no medical certificate/proof of caveator being medically unfit annexed to the Interim Application, by an order dated 05/12/2022, the learned Counsel for the Caveator was directed to file an

Affidavit explaining as to why the Applicant was unable to travel to Mumbai in March, 2022 on account of his ill health. The learned Counsel for the Applicant had then sought time to file the Additional Affidavit on record with a requisite medical certificate/proof evidencing the Applicant's inability to travel.

3. Pursuant to the direction given in the order dated 05/12/2022, today the Applicant has filed an Affidavit dated 07/12/2022 annexing the medical certificate dated 07/03/2022, issued by Dr. C. L. Singh, B. M. S., Asthbhuja Nagar, Chauraha, Pratapgarh (U.P.), certifying that the Caveator was suffering from high fever and was advised not to travel for two-three weeks.

4. In light of this, the delay is condoned. The present Interim Application is allowed in terms of prayer clauses (a) and (b).

5. The Interim Application is disposed of accordingly.

(ARIF S. DOCTOR, J.)