

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.3281 OF 2023
IN
CAVEAT (L) NO.60 OF 2022
IN
PETITION NO.2033 OF 2021

Jaiprakash Jairam Kalambe ... Applicant
(Org. Caveator)

In the matter between:

Madhukar @ Madhusudan Prataprao Kalambe... Petitioner

Vs.

Jaiprakash Jairam Kalambe ... Caveator

Ms. Vrushali Kabre for Applicant.

CORAM : MANISH PITALE, J.
DATE : JANUARY 3, 2024

P.C. :

. By this application, the applicant / caveator is seeking condonation of delay of 101 days in filing the affidavit in support of caveat.

2. The application was served on the petitioner but there is no appearance on behalf of the petitioner when the application is called out for hearing today.

3. Heard learned counsel for the applicant. It is pointed out that the delay in filing the affidavit in support of the caveat has occurred on account of the fact that a copy of the probate petition was not served on the caveator despite requests being made. It is specifically stated that the copy of the probate petition was served on 09.04.2022, while the caveat was filed earlier on the basis of information available on the website of

this Court.

4. Having perused the statements made in the application, this Court is satisfied that sufficient cause is made out for condoning the delay.

5. In view of the above, the application is allowed. Delay is condoned.

6. The Department is directed to take on record affidavit in support of the caveat.

(MANISH PITALE, J.)

Minal Parab