

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

INTERIM APPLICATION NO.809 OF 2023

IN

CTS (L) NO.15895 OF 2022

IN

PETITION NO.2683 OF 2021

Yogesh Himatlal Mehta and Snehal Himatlal Mehta ... Applicants

In the matter of:

Manoj Himatlal Mehta ... Petitioner

Vs.

Yogesh Himatlal Mehta and another ... Caveators

WITH

IPA (L) NO.39412 OF 2022

IN

INTERIM APPLICATION NO.809 OF 2023

Mr. Yogesh Himatlal Mehta, Caveator No.1 in person.

CORAM : MANISH PITALE, J.

DATE : JANUARY 19, 2024

P.C. :

. Caveator No.1 - Yogesh Himatlal Mehta has appeared in person in support of the present application filed for condonation of delay in filing affidavit in support of caveat. It is submitted that earlier, an advocate was representing the caveators but now the caveators have withdrawn the authority of the said advocate and hence, the caveator No.1 is appearing in person for both the caveators.

2. It is submitted that delay of 35 days has occurred in filing the affidavit in support of the caveat for the reason that the caveators took some time in obtaining documents under the Right to Information Act, 2005 and further that the caveator No.1 was suffering from viral fever,

cough and cold, due to which, the affidavit could not be placed on record within time.

3. Considering the reasons put forth on behalf of the caveators, this Court is satisfied that sufficient cause is made out for condoning the delay. Accordingly, the application is allowed. Delay is condoned and the department is directed to take the affidavit in support of the caveat on record.

4. Interim Application is disposed of.

(MANISH PITALE, J.)

Minal Parab