



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.2271 OF 2024
IN
CAVEAT (L) NO.9664 OF 2024
IN
TESTAMENTARY PETITION NO.2279 OF 2017**

Saroj Rajendra Zaveri	...	Applicant
and		
Mukund Rajendra Zaveri	...	Petitioner
versus		
Saroj Rajendra Zaveri	...	Caveator

Mr. Anin Mehta with Mr. Aniket Srivastav i/by Akshar Laws, for
Applicant/Caveator.
None for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 9 OCTOBER 2024

P.C.

1. Heard the learned Counsel for the Applicant.
2. This is an application for condonation of delay in filing an affidavit in support of the Caveat.
3. On 11 September 2024, none had appeared for the Petitioner in TP No.2279 of 2017. The Applicant was, thus, directed to give notice to the Petitioner and the Advocate for the Petitioner in TP No.2279 of 2017 about the next listing of the matter.
4. Learned Counsel for the Applicant submits that the notice about the listing of the matter was given to the Advocate for the Petitioner. Notice

addressed to the Petitioner has, however, been returned unserved with the remark "Not claimed".

5. Learned Counsel for the Applicant seeks leave to tender an affidavit of service.
6. Leave granted.
7. Affidavit of service is taken on record.
8. None appears for the Petitioner in TP no.2279 of 2017.
9. Perused the averments in the application.
10. Grant of Probate dated 14 June 2018 in TP No.2279 of 2017 was revoked by this Court by an order dated 29 January 2024 in MPT No.15 of 2022 filed by the Applicant for revocation of the grant. In the application, it is averred that the applicant was never served with the citation in the matter. The applicant is 63 years of age and suffers from ailments. Therefore, the applicant could not take steps to file an affidavit in support of the Caveat within the stipulated period, though the Caveat was filed on 21 February 2024.
11. The applicant is the wife of the deceased. The applicant has a definite caveatable interest. The applicant has assigned justifiable reasons for condonation of delay. In these circumstances, I am inclined to condone the delay in filing affidavit in support of the Caveat.
12. Delay in filing the affidavit in support of the Caveat stands condoned.

13. Affidavit in support of the Caveat be accepted.
14. Interim Application stands disposed.

(N.J.JAMADAR, J.)