

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

INTERIM APPLICATION NO. 3338 OF 2024
IN
CAVEAT IN TESTAMENTARY (L) NO. 31325 OF 2024

Jayesh Sanjay Gupta

...Applicant

In the matter between.

Rupesh V Gupta

...Petitioner

Verses

Jayesh Sanjay Gupta

...Caveator

Adv. Sunny Shah (through V.C. a/w Aashka Shell i/b Kartik Garg for the
Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 23rd APRIL, 2025

P.C. :

1. The present Interim Application seeks condonation of delay of a
period of 22 days in filing an Affidavit in support of the Caveat.

2. Learned Counsel appearing on behalf of the Applicant submits
that the Petitioner, though served, remained absent today. He undertakes to file
Affidavit of Service in the Registry within a period of one week from today to
that effect.

3. It is submitted that though the Caveat was filed in time, the Affidavit in support thereof would not file. He submits that the reasons for not filing the Affidavit in support of the Caveat are set out more particularly in Paragraphs 6 to 8 of the Interim Application.

4. Having due regard to what is stated in Paragraphs 6 to 8 of the Interim Application as also the fact that none appeared for the Petitioner, though served, to oppose the Interim Application, I find that sufficient cause has been made out to allow the Interim Application. The Interim Application is thus allowed in terms of prayer clause (a) of the Interim Application.

5. Registry to take on record the Affidavit in support of the Caveat.

6. Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)