

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

TESTAMENTRY SUIT NO.27 OF 2008

Jagtaran Singh Waryamsingh Sethi	...Plaintiff
VS.	
Parminder Mayank Pandya	...Defendant
And	
Swaranjit Kaur Singh	...Caveatrix

Mr.Kantilal Mehta for the plaintiff
Mr.Zubair Dada a/w Joel D'Souza for Caveatrix.

CORAM: A.S.OKA, J.
DATE : DECEMBER 19, 2008

P.C.:

1. The learned counsel for the caveatrix (Parminder Mayank Pandya) pointed out that the citation was served on the said caveator on 25th July 2008. Thereafter, the caveat was lodged on 6th August 2008 and affidavit in support thereof was lodged on 14th August 2008. It is pointed out that prior to service of caveat, the same party had filed a caveat on 25th March 2008. Therefore office has raised an objection regarding caveat dated 6th August 2008 and affidavit in support of the caveator which is dated 12th August 2008 and lodged on 14th August 2008. The testamentry petition has already been converted into a suit on the basis of the earlier caveat filed by the same caveatrix. Even the second caveat filed by the said caveatrix is valid as the citation has been served upon the said cavatrix on 25th July 2008. Therefore, affidvit in support of the second caveat shall be treted as written sttement of the said caveatrix. The suit shall be kept for directions on 25th January 2009.

JUDGE