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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 80 OF 2015
IN
TESTAMENTARY PETITION NO. 65 OF 2015**

Vispi Bomi Gandevia	...Petitioner
<i>Versus</i>	
Elavia Bapsy Kersi and Raja Farida Pesi	...Caveators

None *for the Petitioner.*

Mr. A. A. Thakkar, *i/b M/s. Mulla & Mulla, for the Caveators.*

CORAM: G.S. PATEL, J
DATED: 21st September 2015

PC:-

1. The Chamber Summons is for an amendment to the Petition to delete the address of the Petitioner and add another address, for a change in paragraph 9 and the introduction of an extremely curious paragraph 11(a). I am unable to understand how paragraph 11(a) can have any possible bearing on the matter.

2. In any case, the Chamber Summons itself may not be necessary. Mr. Thakkar for the Caveator points out that the Petition seeks probate of a Will dated 20th January 1977 said to have been left by one Kaikhusru Ratanji Sudder. However, it seems that there

is another Will of the deceased dated 15th May 1977 of which probate has already been granted on 24th March 1986 in Testamentary Petition No. 283 of 1979. No application has been made to revoke that grant. As long as the grant of probate in the later Will of 15th May 1977 stands, there can be no question of the present Petition proceeding or even being maintainable.

3. In view of the foregoing the Chamber Summons is entirely unnecessary. It is dismissed with no order as to costs.

4. List the Petition itself for dismissal tomorrow, 22nd September 2015 on the supplementary board.

(G. S. PATEL, J.)

CERTIFICATE

“Certified to be a true and correct copy of the original signed Judgment/Order.”