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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 107 OF 2015
IN
TESTAMENTARY SUIT NO. 106 OF 2015**

Jyoti Asvin Vyas	...Plaintiff
<i>Versus</i>	
Hiral Harendra Doshi	...Defendant

Mr. V.J. Shah, *with Mr. S. Kudalkar, i/b M/s. Madekar & Co., for the Plaintiff.*
Ms. N. Bhosale, *for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 20th October 2015

PC:-

1. The Chamber Summons seeks an amendment to the plaint to delete a portion that was added by a previous amendment. The previous amendment is set out in Rider "A" supported by Exhibits "A-1" and "A-2", in which the Plaintiff states that the original Will was lost or misplaced. It is now the Plaintiff's case that the original has been found. This is not a reason for deletion of the amendment previously permitted. That amendment spoke to a state of affairs as they then existed. That cannot be deleted as if to suggest that it

never existed. The Plaintiff may be entitled to add further material to show the subsequent finding of the Will but I do not think it is possible to permit an amendment deleting a portion previously added.

2. On this, Mr. Shah for the Plaintiff seeks leave to withdraw the Chamber Summons with liberty to file a fresh Chamber Summons with appropriate amendments. Leave granted with liberty as prayed.

(G. S. PATEL, J.)