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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 131 OF 2016
IN
TESTAMENTARY SUIT NO. 155 OF 2016
IN
TESTAMENTARY PETITION NO. 746 OF 2015**

Alazim Salim Kazani	...Plaintiff
<i>Versus</i>	
Shirin Salim Kazani	...Caveator

Mr. Ajinkya Kurdukar, *for the Plaintiff.*
Mr. Meva Lal Verma, *for the Applicant/Caveator.*

CORAM: G.S. PATEL, J
DATED: 13th December 2016

PC:-

1. This is an unusual application but one I believe I will need to grant. The application is for leave to the Defendant to file an Additional Affidavit setting out additional grounds of opposition to the probate or alternatively to permit an amendment to the Affidavit in Support. I will grant the first, i.e., permit an Additional Affidavit. I do so because I find that the Affidavit in Support of the Caveat is extremely perfunctory.

2. There is an important factual aspect about a rival Will. This is pleaded in the Affidavit in Support of this Chamber Summons and also shown in the proposed amendment but which is not in the Affidavit in Support of the Caveat. In order for the Court to arrive at a proper decision, I believe it is necessary to grant the Caveator a sufficient opportunity.
3. The present Chamber Summons is made absolute in terms of prayer clause (a). Additional Affidavit is to be filed and served on or before 16th December 2016.
4. List the Suit for framing issues on 20th December 2016.

(G. S. PATEL, J.)