

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 146 OF 2015
IN
TESTAMENTARY SUIT NO. 100 OF 1998
IN
TESTAMENTARY PETITION NO. 861 OF 1998**

Smt. Jyoti Nitin Thakkar	...Plaintiffs
<i>Versus</i>	
Pravinchandra Ramji Thakkar	...Defendant
<i>And</i>	
Kirit Ramji Thakkar	...Applicant
<i>And</i>	
Purnima Thakkar & Others	...Respondents

Mr. R.R. Varma, with Mr. S.K. Chaurasia, for the Applicant.

**CORAM: G.S. PATEL, J
DATED: 3rd August 2016**

PC:-

1. This is the latest step in a most peculiar series of steps in this Petition. Some of these have been set out in my order of 7th April 2016. In that order, I noted how the present Applicant sought to have this Petition restored after it had been dismissed for default. The original Petitioner, Smt. Jyoti Nitin Thakkar, to my very great surprise, then sought a recall of my order restoring her own Petition.

In short, she wanted to reinstate an order dismissing her own Petition.

2. It is for this reason that today the present Chamber Summons seeks that Smt. Jyoti be removed as a Petitioner and that Mr. Kirin Ramji Thakkar, the Applicant, be permitted to be substituted and to prosecute the Petition. He is undoubtedly one of the heirs and beneficiaries under the Will in question. There is a schedule of amendment to the Chamber Summons.

3. For the reasons set out in the order of 7th April 2016 in Notice of Motion No. 60 of 2016, I am inclined to allow this Chamber Summons. It is allowed in terms of prayer clause (a).

4. Amendment to be carried out on or before 12th August 2016. The Respondents will be as Defendants Nos. 1(a) to 1(e).

5. The Chamber Summons is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)