

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 27 OF 2016**

Jamsheed Dinshaw

.. Petitioner

Vs.

Farzana Nurali & Ors.

.. Respondents

Mr.Muralidharan V.C. i/b Joy Legal Consultants for petitioner.

Ms.Sanober Nanavati for respondent no.1.

CORAM : K.R.SHRIRAM, J.

DATE : 4TH APRIL, 2017

P.C.

1 Ms.Nanavati appearing for respondent no.1 states that after the rejoinder was served and she sent it to her client in Canada for instructions, the respondents were served with another rejoinder and when she compared both the rejoinders she found that the subsequent rejoinder was different from the original rejoinder and there were many changes.

2 Mr.Muralidharan for the petitioner agrees. Ms.Nanavati seeks leave to file a response affidavit to the second rejoinder since Mr.Muralidharan states the first rejoinder could be ignored.

The affidavit to be filed and copy served on or before 18th April 2017.

3 At this stage, Mr.Muralidharan states that the petitioner has taken out a chamber summons bearing No.87 of 2017 for leave to amend the petition.

The proposed amendment is basically to delete respondent nos.2, 3, 4 and 5 who were added because the whereabouts of the minor, according to the petitioner, was not known. Mr.Muralidharan states that the child's whereabouts are now known and therefore respondent nos.2 to 5 need not remain as parties to the petition and therefore their names be deleted. The proposed amendment also seeks deletion of paragraphs 9 and 10 and of prayer clause (d), (e) and (f) of the petition.

Ms.Nanavati states though she has not been served with this chamber summons, after going through the same, has no objection if by consent the chamber summons is taken up for hearing and final disposal.

4 In view of the consent given by Ms.Nanavati for respondent no.1, chamber summons No.87 of 2017 is taken up for hearing and final disposal.

5 The chamber summons is allowed in terms of prayer clause (a). Amendment to be carried out and the amended petition to be served within one week from today.

6 The Petition be listed on 25th April 2017.

(K.R. SHRIRAM, J.)