

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION***

***CHAMBER SUMMONS NO.69 OF 2017
IN
TESTAMENTARY SUIT NO.62 OF 2010
IN
TESTAMENTARY PETITION NO.34 OF 2010
WITH
TESTAMENTARY SUIT NO.62 OF 2010
IN
TESTAMENTARY PETITION NO.34 OF 2010***

Abhishek Madhusudan Sanghavi .. Applicant/Plaintiff
Vs.
Indira Vasant Shah & Anr. .. Defendants

Mr.T.G.Vora a/w Mr.A.R.Bapat for the applicant/plaintiff.
Mr.Shubro Dey i/by Sutapa Saha for the defendant no.1.
Mr.Manan Jaiswal i/by MLS Vani & Associates for the defendant no.2.

***CORAM : R.D. DHANUKA, J.
DATE : 20th June 2017***

P.C. :

. By this chamber summons, the applicant/plaintiff seeks amendment to the plaint and other pleadings in terms of the schedule appended to the chamber summons. The applicant seeks liberty to delete the word 'Duplicate' and to substitute the same by 'Photostat copy.'

2. A perusal of the affidavit in support of the chamber summons indicates that it is the case of the applicant that due to inadvertence instead of Photostate copy of the original Will in the title of the petition as well as the body of the petition and other pleadings, it is mentioned as 'Duplicate copy of the Will.' It is mentioned in the affidavit in support of the chamber summons that the said mistake was discovered when the inspection was taken by the advocate of the applicant of the

original proceedings on or about 1st February 2017 after giving notice to the caveators.

3. Mr.Vora, learned counsel for the applicant submits that in view of this inadvertent error, the applicant could not comply with part of the directions issued by this Court on 10th January 2017.

4. I have heard the learned counsel for the plaintiff and the defendant nos.1 and 2. No affidavit-in-reply is filed by the defendants to this chamber summons.

5. In my view, the applicant has made out a case for amendment to the plaint and other proceedings in terms of the schedule appended to the chamber summons. Merit of the amendment would be considered at the stage of final hearing.

6. Leave to amend is granted in terms of prayer clauses (a) and (b). Amendment to be carried out within four weeks from today. Chamber summons is disposed of in the aforesaid terms. No order as to costs.

7. Both the counsel for the defendants have tendered statement of admission and denial of the documents. Prothonotary and Senior Master is directed to accept the statement of admission and denial of the documents if filed by the defendants within one week from today.

8. Place the matter on board for 'marking of the documents' on 7th July 2017.

R.D. DHANUKA, J.