

submits that the amendments have become necessary as a result of various office requisitions raised by the department. The department has raised objections concerning (i) explanation of delay in filing the petition; (ii) correction of the petition in accordance with Form No.97; (iii) furnishing of Schedule; (iv) correction of the title of the petition and its body and prayers so as to conform with the prescribed form; (v) averments in accordance with Rule 414 of the Bombay High Court Original Side Rules, since the grant applied for is an all India grant; and (vi) variation of Schedule-I as corrected by the department and annexing of Schedule. These requisitions are sought to be complied with by means of the amendments proposed.

2 The application is objected to by the Respondent on the ground that, firstly, if these amendments are allowed, it will infact amount to alteration of the will of the deceased for which probate is sought and, secondly, it will amount to adding imprimatur of the Court to the Applicant's case proposed in the amendments. Neither of the two objections has any merit. It is difficult to apprehend on what basis the amendments proposed, if introduced, would result into altering of the last will and testament of the deceased. It is equally difficult to comprehend how and in what manner allowing of the amendments implies acceptance of the Court of the merits of the case sought to be introduced in the amendments. The merits of the case pleaded in the amendments is a matter of trial and open to debate. By allowing the amendments, the Court simply permits the Applicant to make changes in the case urged by him before the Court.

3 Considering the fact that the trial of the matter has not started as yet and the fact that the amendments are in keeping with the requisitions made by the testamentary department, the Chamber Summons is allowed in terms of prayer clause-(a). The amendments to be carried out within two weeks from today. Amended copy of the petition to be served afresh on the Respondent/Caveator. The Respondent/Caveator will be entitled to file a further affidavit in support to his caveat replying to the amendments allowed herein. Such reply to be filed within a period of three weeks after receipt of the amended copy of the testamentary petition. The testamentary petition to appear on board for directions after six weeks. Office to take on record reply filed by the Caveator to Testamentary Petition No.1868 of 2016. Office shall not insist on the reply being on bond papers or engrossment papers. The Petitioner shall also be at liberty to file an additional reply to Testamentary Petition No.1868 of 2016. Such replies be filed within three weeks from today.

(S.C. GUPTE, J.)