

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

CHAMBER SUMMONS NO.14 OF 2017

IN

SUIT NO.54 OF 2015

IN

PETITION NO.799 OF 2011

Geeta Kishor Badani

....Applicant

IN THE MATTER BETWEEN :

Kishorbhai Prataprai Badani

....Petitioner

V/s.

Viren Prataprai Badani

....Respondent

Ms.Tanmayee Salekar i/by Shah & Sanghavi for the applicant.

None for the respondent/caveator.

CORAM : K.R.SHRIRAM,J

DATE : 29.3.2017

P.C.:-

1 At the outset, the counsel for the applicant seeks leave to amend the prayer clause-(b) of the chamber summons. Leave granted. Amendment to be carried out forthwith.

2 Heard the counsel for the applicant and also considered the affidavit in support. Ms.Tanmayee Salekar for the applicant states that copy of the chamber summons has been served upon the caveator. Ms.Salekar also states that affidavit of service dated 22.2.2017 has already been filed.

3 The petitioner passed away on 3.9.2016, leaving behind the applicant, one son and 2 married daughters as legal heirs. It is stated in the affidavit in support that the son of the applicant is settled in Hongkong and so far as daughters are concerned, one is settled in Canada and other is settled in Bangalore.

4 The application has been taken out after completing the obsequies. It is also stated that after the demise of the petitioner, the applicant is not in a proper frame of mind.

5 In the circumstances, chamber summons is allowed in terms of prayer clauses-(a), (b) and (c). So far as the schedule is concerned, serial no.V, which is bracketed in red ink, is not granted.

Chamber summons disposed accordingly. Amendment to be carried out and amended petition to be served within three weeks. Petition to be listed for issues on 25.4.2017.

(K.R.SHRIRAM,J)