

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
CHAMBER SUMMONS NO. 28 OF 2018  
IN  
TESTAMENTARY SUIT NO. 50 of 2017  
IN  
TESTAMENTARY PETITION NO. 1638 OF 2016  
AND  
CHAMBER SUMMONS (L) NO. 1 OF 2018**

|                              |              |
|------------------------------|--------------|
| Raden Vanamali               | ...Plaintiff |
| <i>Versus</i>                |              |
| Elizabeth Shyama Da Founseca | ...Defendant |

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**Mr Amit Shroff**, *for the Plaintiff.*  
**Mr Jennifer Michael**, *with Som Sinha, i/b Som Sinha, for the*  
*Defendant.*

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**CORAM: G.S. PATEL, J**  
**DATED: 1st October 2018**

**PC:-**

1. Chamber Summons (L) No. 1 of 2018 is not on board. By consent, it is taken on board.

2. At the request of Mr Shroff for the Plaintiff, the Chamber Summons is dismissed as withdrawn. All contentions are kept open to the final hearing of the Suit.
3. Chamber Summons No. 28 of 2018, is filed by the Caveator/ Defendant, seeking leave to amend the Affidavit in Support of the Caveat or to file a further Affidavit in Support of the Caveat. The Affidavit is ready. What is proposed to be said in that Affidavit is in any case set out in the form of a schedule, although this was proposed as an amendment.
4. I do not think that an amendment is an appropriate procedure. The proposed further Affidavit only amplifies or clarifies a ground summarily taken in the initial Affidavit. Certain additional facts are also sought to be included.
5. I will permit the Additional Affidavit in Support of the Caveat to be filed in the Registry. This is to be done on or before 5th October 2018. A copy has been served on Mr Shroff, for the Plaintiff.
6. Both Chamber Summonses are disposed of in these terms. No costs.
7. List the Suit for framing issues on 31st October 2018.

**(G. S. PATEL, J)**