Sharayu.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
JUDGE'S ORDER NO. 36 OF 2015
IN
TESTAMENTARY PETITION NO. 566 OF 2008

Ursala Dara Mistry ...Deceased
And
Arzan Khambatta & Anr. ...Petitioners

Mr. J.F. Pochkhanawalla, *Senior Advocate a/w Ms. Madhavi Tavanandi, for the Petitioners.*

CORAM: G.S. PATEL, J
DATED: 30th April 2015

PC:-

1. I have heard Mr. Pochkhanawalla, learned Senior Counsel for the Petitioners, and considered the Affidavit dated 16th March 2015 of the 1st Petitioner. There are 2300 shares in Union Bank of India Demat A/c No. 13025900 00095891. Mr. Pochkhanwalla clarifies that these investments was in the sole name of the deceased. It could not be traced by the Petitioners and remained outside the schedule to the Probate Petition and was therefore, not covered by the Probate granted on 21st November 2009.

2. Clearly this investment needs to be included in the estate of the deceased.

3. Hence, leave to amend the Probate Petition and the schedule of assets thereto to include the aforesaid investments and demat account. The Probate granted is also to be amend accordingly.

4. All concerned to act on an authenticated copy of the order.

5. Given the fact that the Probate was obtained in 2009, the amendment to be carried out on or before 8th May 2015 without need of reverification.

6. Liberty to the Petitioners or their Advocates to furnish a copy or an authenticated copy of the amended grant on the Union Bank of India and to call for a release of the security in the name of the Petitioners as executors of the Will in question. However, liberty to the Petitioners to apply, if need be.

7. In view of this order, the Judge's Order is not separately signed. Judge's order is disposed of in these terms.

(G. S. PATEL, J.)