

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 33 OF 2018
IN
TESTAMENTARY PETITION NO. 426 OF 2016**

Rukshad Davar	...Petitioner
<i>Versus</i>	
Boman Aspi Irani	...Respondent

Mr BG Saraf, with Aadesh Sawant, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 24th April 2018**

PC:-

1. The Petition is by the named Executor under a Will dated 31st December 2013 of one Roda Framroz Vatcha. The Petitioner obtained a Probate on 16th May 2017. The Petitioner says that he is unable to administer the estate for various reasons set out in his Affidavit in Support of this Motion. He seeks to renounce executorship and says that the Respondent who is the sole beneficiary may be allowed to administer the estate. The Respondent has communicated his willingness by e-mail to the Petitioner.

2. The only difficulty with this is that the grant itself will have to be amended to one for Letters for Administration with Will annexed. That is a formality and a fresh grant will have to be issued in favour of the Respondent, Boman Aspi Irani. The registry is directed to do so expeditiously acting on an authenticated copy of the order.

3. The amended grant will follow the terms of the Probate but will only be styled as a grant of Letters for Administration with Will annexed. This is to be issued no later than by 22nd June 2018 without raising any objections or requisitions of any nature whatsoever. The Notice of Motion is disposed of in these terms. There will be no order as to costs.

4. The additional Affidavit of the Applicant formally renouncing the executorship and sworn on 9th January 2018 is taken on file.

5. It is made clear that this renunciation is accepted subject to the Respondent being entitled to hold the applicant to account for all acts done by him during time of his executorship.

6. Affidavit to be filed in the registry.

(G. S. PATEL, J)