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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**TRUST PETITION NO.3 OF 2019
WITH
TRUST PETITION NO.4 OF 2019
WITH
TRUST PETITION NO.5 OF 2019
WITH
TRUST PETITION NO.6 OF 2019**

Mr. Harsh C. Mariwala and
4 others

... Petitioners

Mr. Firoz Bharucha a/w Mr. Amogh Joshi, for the Petitioners.

CORAM : N. J. JAMADAR, J.

DATE : 19th December, 2019.

PC. :

- 1] Heard the learned counsel for the petitioners.
- 2] These Trust Petitions are taken out for approval to the amendment proposed to the trust deed.
- 3] It is averred in the petition that the petitioner Nos. 1 to 4 are the trustees of the private trust. All the beneficiaries except two, namely Saskia and Shaurya, who are minors, have given consent to the proposed amendment in trust deed dated 29th May, 2001, which has been

subsequently amended in pursuance of the order passed by this Court on 22nd April, 2015.

4] This Court by order dated 3rd December, 2019, had directed the petitioner No.5, who is also natural guardian of minors to file an affidavit affirming that the proposed amendment to the trust deed is not adverse to the interest of minor beneficiaries. The learned advocate, who appears for the petitioner No.5 was also directed to file a certificate to that effect.

5] In pursuance of the aforesaid order, Mr. Rishabh H. Mariwla, petitioner No.5 and the natural guardian of the above named minor beneficiaries, has filed affidavit. It is affirmed that the petitioner No.5 has accorded consent to the proposed second amendment on behalf of minor beneficiaries and the proposed second amendment does not in any way adversely affect the interest of the minors.

6] The learned advocate for the petitioners have also filed a certificate to the effect that they believe that the representations made to them that the proposed second amendment is not adverse to the interest of minor beneficiaries, are true and correct.

7] In the aforesaid view of the matter the proposed amendment to the

trust deed is allowed. However, by way of abundant caution, it is clarified that the interest of the minor beneficiaries shall not be affected by the proposed second amendment.

8] Trust Petitions are accordingly disposed of.

[N. J. JAMADAR, J.]

Note: The order is corrected as per speaking to minutes of order dated 19th December, 2019.