

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

**INTERIM APPLICATION NO. 321 OF 2021
IN
TESTAMENTARY PETITION NO. 2858 OF 2019**

Cheryl Meleesha Pinto ... Applicant/Petitioner

And

Sylvester Anthony Pinto ... Deceased

Mr. Joel J. D'Souza i/b Ivor D'Cruz for the Applicant.

CORAM : R.I. CHAGLA, J.

DATED : 11th OCTOBER, 2021.

P.C. :

1 Heard the learned Counsel for the Applicant. By this Interim Application the Applicant is seeking the permission to amend the Petition No.2858 of 2019 as per the schedule of amendment annexed of the Interim Application.

2 The learned Counsel appearing for the Applicant states that citation was issued to the legal heirs of the said deceased calling for claims or for opposing grant of letters of administration. Interim Application Nos.1117 of 2020 and 1152 of 2020 was taken out by the

legal heirs of the said deceased for condoning the delay in filing the affidavit in support of the caveat. In the affidavits in support of the caveat, the Caveators set out family tree of the said deceased from which the Petitioner learnt that there was some additional legal heirs of the deceased of which the Petitioner was not aware. The Petitioner's legal heirs have been mentioned in the schedule of amendment and it is stated that it would be necessary to add legal heirs in paragraph 8 of the Petition and citations served upon them. The Applicant has further undertakes to pay such sum by way of costs as this Court awards as compensation in the party sustains prejudice by any orders that may be passed in this Interim Application.

3 In view of the averments made in the Interim Application and considering that the Applicant seeks to add legal heirs who appear to be the heirs of the deceased as mentioned in schedule of amendment, it would be appropriate to grant the relief sought for in the Interim Application.

4 The Interim Application for amendment of the Petition No.321 of 2021 for making additions in the legal heirs to the Petition as per the schedule annexed to the Interim Application, is granted. Amendment shall be carried out by the Applicant within a period of two

weeks from today. Upon the amendment being carried out, the Petition No.2858 of 2019 shall be listed on 27.10.2021.

5 The Interim Application is disposed of.

(R.I. CHAGLA, J.)

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signed by
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SUSHIL
WAGHMARE
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