

Sharayu Khot.

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

INTERIM APPLICATION NO. 1351 OF 2020

IN

TESTAMENTARY SUIT NO. 5 OF 2013

Mahendra Laxmishankar Joshi ...Applicant

In the matter between

Mahendra Laxmishankar Joshi ...Plaintiff

Versus

Shravan Laxmishankar Joshi (deceased) ...Defendant/
Caveator

And

Sushila Shravan Joshi & Ors. ...Respondents

Mr. Bharat Joshi for the Applicant.

Mr. Dwaresh S. Joshi, Respondent No. 4 present in person.

CORAM : R.I. CHAGLA J

DATE : 16 November 2021

ORDER :

1. Heard learned Counsel for the Applicant.
2. By this Interim Application, the Applicant is

seeking amendment of the Testamentary Suit for bringing the heirs of the deceased Defendant Shravan Laxmishankar Joshi on record as Defendants and further consequential amendments to be carried out in the Testamentary Suit.

3. The learned Counsel for the Applicant states that the Respondents are the only heirs of the deceased Defendant/Caveator and which has been confirmed by the learned Advocate who represented the Caveator. The Defendant/Caveator had expired on 16th December 2019 and the Respondents are his heirs and legal representatives. The death certificate of the Deceased Defendant/Caveator has been annexed and marked as Exh.B to the Interim Application.

4. In view of the submissions of the learned Counsel for the Applicant and the averments made in the Interim Application, I am satisfied that a case has been made out for grant of relief sought for in the Interim Application. Hence the following order :-

- (i) The Applicant shall carry out the amendment in

the Testamentary Suit by bringing on record the Respondents as the heirs and legal representatives in place and stead of the deceased Shravan Laxmishankar Joshi and consequential amendments are allowed to be carried out in the Testamentary Suit.

- (ii) Amendment shall be carried out by the Applicant/Plaintiff within a period of one week from the date of this order.
- (iii) Interim Application is accordingly disposed of in the above terms.
- (iv) Testamentary Suit shall be placed for Directions on 1st December 2021.

[R.I. CHAGLA J.]