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

INTERIM APPLICATION NO. 1272 OF 2021
IN
TESTAMENTARY PETITION NO. 509 OF 2019

Renu Satishkumar Kejriwal … Applicant/Orig. Petitioner

And

Shanta Gopaldas Agarwal ... Deceased

Mr. Prabhu Velar for the Applicant/Orig. Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 11th OCTOBER, 2021.

P.C. :

1 Heard the learned Counsel for the Applicant/Original Petitioner. By this Interim Application the Applicant has sought amendment to the Petition No.509 of 2019 in terms of the schedule of securities at Exhibit-B to the Interim Application and for extension certificate to be granted for the new shares found as per the schedule at Exhibit-C to the Interim Application.

2 It is stated in the Application that succession certificate had

been issued by this Court on 03.10.2019 in respect of certain securities of Shanta Gopaldas Agarwal and Gopaldas Bhagwandas Agarwal alias Gopaldas Bhagwandas Agarwal, the deceased in favour of the Applicant/ Original Petitioner. It is further stated that after obtaining the succession certificate, it came to the notice of the Applicant/Original Petitioner that inadvertently the distinguishing numbers and folio numbers of the Companies mentioned in the schedule of securities in the Petition, were not included. It is further stated that the Applicant/Original Petitioner found some more additional shares only subsequent to the grant of the succession certificate. The newly discovered shares are required to be incorporated and given by way of extension certificate to the original grant of succession certificate dated 03.10.2019. The newly found shares are standing jointly in the names of the above named deceased. The Applicant/Original Petitioner has stated that the new shares have been discovered by the Petitioner within three years of the issuance of the succession certificate and hence there is no delay.

3 It is stated by the Applicant in paragraph 7 that the particulars of the legal heirs of the deceased who have survived the deceased according to the Hindu Succession Act, 1956, have been provided. The parents of the deceased have pre-deceased the deceased. Save and except the legal heirs mentioned in the chart set out in

paragraph 7 of this Interim Application, there are no other legal heirs. The consent affidavit of the other daughter of deceased Seema Rajendra Bansal has been annexed to the Interim Application.

4 In view of the averments made in the Interim Application, the Interim Application requires to be allowed. Hence, the following order is passed :

i) The Applicant/Original Petitioner is permitted to amend the schedule of securities in the Petition as per Exhibit-B to the present Interim Application. The Applicant is also permitted to add the new shares which have recently been found as per the schedule at Exhibit-C to the Interim Application. The amendment and other consequential amendments shall be carried out by the Applicant within a period of four weeks from the date of this order.

ii) The extension certificate be granted for the new shares, as per the schedule at Exhibit-C to the Interim Application.

iii) The Interim Application is accordingly disposed of in the above terms.

(R.I. CHAGLA, J.)