

Sharayu Khot.

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

INTERIM APPLICATION NO. 1746 OF 2021
IN
TESTAMENTARY PETITION NO. 2620 OF 2018

Sunil Kashinath Humbardekar ...Applicant
(Proposed Petitioner)

In the matter between

Sheetal Sunil Humbardekar ...Petitioner (since
deceased)

Mr. Virendra Kanojia for the Petitioner (Prop. Petitioner)

CORAM : R.I. CHAGLA J

DATE : 21 October 2021

ORDER :

1. Heard learned Counsel for the Applicant.

2. By this Interim Application, the Applicant is seeking to be brought on record as Petitioner in place and stead of the original Petitioner who has expired. Consequential amendment has been sought for in the Petition as per the schedule annexed at page 12 of the Interim Application.

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3. The Applicant is stated to be the husband of the deceased original Petitioner. The original Petitioner expired on 29th June 2020 leaving behind the Applicant and their son Anuj Sunil Humbardekar as her only heirs as per the law of succession applicable to the original Petitioner at the time of her death.

4. Learned Counsel for the Applicant has referred to the Consent Affidavit dated 6th May 2021 filed by Anuj Sunil Humbardekar, son of the Applicant, by which he has given his consent for permitting the Applicant who is his father to be substituted and brought on record as Petitioner in the above Petition in place and stead of the original Petitioner and also for being granted Letters of Administration with will of the deceased.

5. In view of the averments in the Interim Application and the documents on record including the Consent Affidavit of Anuj Sunil Humbardekar, son of the Applicant/original Petitioner (since deceased), the Application is required to be allowed. Hence, following order is passed :-

- (i) The Applicant shall carry out amendment in the Petition by substituting the original Petitioner with the Applicant and the Applicant shall be brought in place and stead of the original Petitioner (since deceased) and consequential amendment also be carried out as per Schedule at page 12 of the Interim Application.
- (ii) The Applicant shall carry out amendment within a period of four weeks from the date of this order.
- (iii) Interim Application is disposed of.

[R.I. CHAGLA J.]