

Sharayu Khot.

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

INTERIM APPLICATION NO.1638 OF 2021
IN
TESTAMENTARY PETITION NO.376 OF 2019

Rajen Dhansukhlal Vora

...Applicant /
Petitioner

And

Smt. Padmavati Dhansukhlal Vora

...Deceased

Ms. Jacinta D'Souza with Mr. Nikhil Udeshi for the Applicant /
Petitioner.

CORAM : R.I. CHAGLA J

DATE : 16 NOVEMBER 2021

ORDER :

1. By this Interim Application, the Applicant is seeking permission to amend the Schedule I to the Petition No. 376 of 2019 as well as in grant of Probate in terms of Schedule I annexed at Exh.B to the Interim Application.

2. The Applicant has stated that the Probate was granted by the Company Registrar on 27th June 2019 in favour

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of the Applicant. It is submitted that only thereafter the Applicant became aware of company shares in the name of the deceased i.e. the Applicant's father's name, which was not included in the Testamentary Petition.

3. It is in view thereof and considering that the companies were not transferring the shares as the shares and names of the companies are not mentioned in the Probate, the Applicant has filed the Interim Application for amendment of Schedule I to the Testamentary Petition and in the grant of Probate.

4. The Applicant has stated that there is a delay of 431 days from the date of knowledge of the said shares and for carrying out amendment in the Testamentary Petition and this is on account of national lock down due to Covid 19 pandemic situation and due to which there is difficulty in collecting the information from the various companies which is beyond the control of the Petitioner.

5. Having considered the averments 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 to the Schedule I of the Testamentary Petition No. 376 of 2019 as well as grant of Probate as per Schedule I annexed at Exh.B to the Interim Application.
- (ii) Office of the Prothonotary & Senior Master shall accept the original grant of Probate dated 26th August 2019 for amendment.
- (iii) Amendment shall be carried out by the Applicant within a period of two weeks from the date of this order.
- (iv) Delay of 431 days in filing the Interim Application is condoned.

(v) Interim Application is accordingly disposed of in
the above terms.

[R.I. CHAGLA J.]