

Sharayu Khot.

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

INTERIM APPLICATION NO. 1851 OF 2021

IN

TESTAMENTARY PETITION NO. 3192 OF 2019

Manoj Hanskumar Shroff

...Applicant

In the matter between

Mala Purshotam Shroff

...Original Petitioner

And

Manoj Hanskumar Shroff

...Applicant/
Proposed Petitioner

Mr. Sameer R. Logade for the Applicant.

CORAM : R.I. CHAGLA J
DATE : 13 October 2021

ORDER :

1. Heard learned Counsel for the Applicant.
2. By this Interim Application, the Applicant is seeking substitution of the name of the Applicant as Petitioner by carrying out amendment and consequential amendments to the Petition as per Schedule at Exh.G to the present Interim Application. Condonation of delay of 282 days is sought in taking out the present Interim Application.

SHARAYU
PANDURANG
KHOT

Digitally
signed by
SHARAYU
PANDURANG
KHOT
Date:
2021.10.25
14:54:33
+0530

3. The Applicant has stated that the deceased Purshotam Udham Shroff and Prem Udham Shroff had no other legal heirs. Their parents predeceased them. The said Purshotam Udham Shroff and Prem Udham Shroff had one brother namely, Hanskumar Udham Shroff who expired on 16th December 2014. The Applicant is the only son of Hanskumar Shroff. His wife Meena Hanskumar Shroff expired on 12th May 2002. The original Petitioner was the daughter of deceased No. 1 Purshotam Udham Shroff and niece of deceased Prem Udham Shroff. The original Petitioner expired on 6th October 2020. Copy of the death certificate is annexed at Exh.E to the Interim Application.

4. The Applicant has stated in paragraph 11 that he is a legal heir as per Schedule - II of Hindu Succession Act, 1956 of the deceased Purshotam Udham Shroff and Prem Udham Shroff and being a legal heir is entitled to pursue with the Petition and for grant of succession certificate.

5. Accordingly, the Applicant has taken out Interim Application for carrying out amendment in the Petition for substituting the name of the Applicant as Petitioner and for

consequential amendments as per Schedule annexed at Exh.G to the Interim Application. The Applicant has further stated in paragraph 13 of the Interim Application that after taking due diligent search from the documents and records of both the deceased, the Applicant has found some more securities in the name of both the deceased which are not mentioned in the Schedule - I of the Petition. Therefore, it is necessary to incorporate the said newly founded securities as per the Schedule annexed at Exh.G to the Interim Application.

6. The Applicant has explained the delay in filing the Interim Application in paragraph 16 of the Interim Application. The Applicant states that he came to know of expiry of the original Petitioner in the month of June 2021. Due to the Covid-19 lockdown, the Petitioner could not visit the Advocate's office. Therefore, there is delay of 282 days in filing the Interim Application.

7. I am satisfied with the averments in the Interim Application and accordingly, grant relief sought for in the Interim Application as under:-

- (i) Delay of 282 days in taking out the present Interim Application is condoned.
- (ii) The Applicant is permitted to carry out the amendment to the Petition and further consequential amendments as per Schedule annexed at Exh.G to the Interim Application.
- (iii) Amendment shall be carried out within a period of two weeks from the date of this order.
- (iv) Upon so amending the Petition, the Applicant shall stand substituted as Petitioner to proceed with the present Petition.
- (v) Interim Application is accordingly, disposed of in the above terms.

[R.I. CHAGLA J.]