

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

INTERIM APPLICATION NO. 2075 OF 2021  
IN  
TESTAMENTARY PETITION NO. 834 OF 2010

Ramesh Madhukar Apte ... Applicant/Petitioner

And

Leila Suraj Kishan Punshi ... Deceased

Mr. Jaideep Mita a/w Bimal Bhabhda i/b Bimal Bhabhda for the Applicant/ Petitioner.

**CORAM : R.I. CHAGLA, J.**

**DATED : 14<sup>th</sup> OCTOBER, 2021.**

**P.C. :**

1           Heard the learned Counsel for the Applicant. By this Interim Application, the Applicant has sought amendment in the Petition as well as in the grant of probate for including/incorporating certain fixed deposits and mutual funds mentioned in schedule-1 of the Petition and in the grant of probate. The Petitioner has mentioned the fixed deposit receipts and mutual funds in paragraph 5 of the Interim Application.

2           The Applicant has mentioned in paragraph 4 of the Petition that all the immovable and movable properties and assets in Schedule-1 were incorporated according to the instructions given by the legal heirs of the deceased. However, recently the Petitioner had been informed by Mr. Romesh C. Punshi, a nephew of the deceased, who resides at Kolkata, that the deceased had entrusted to him the fixed deposit receipts and mutual funds which remained to be mentioned in the schedule of properties and assets in schedule-1 to the Petition. The particulars of the fixed deposit receipts and mutual funds have been mentioned in paragraph 5 of the Interim Application. In view thereof, the amendment has been sought by way of Interim Application.

3           Having heard the submission of the learned Counsel for the Applicant, since fixed deposit receipts and mutual funds were learnt by the Applicant/Petitioner after the grant of probate of the Will dated 07.12.2000 of the deceased who had expired on 20.12.2009, the Application sought for by way of Interim Application is required to be granted. It is noted that the Applicant/Petitioner is one of the executors of the said Will. The Applicant/Petitioner has also filed the Petition for probate of the last Will and testament of the said deceased. The other two executors have given their consent to the Petitioner to apply for and obtain probate of the said Will. The Probate of the said Will was granted

to the Petitioner on 11.02.2009. Hence, the following order is passed :

- i) The Applicant/Petitioner is permitted to amend the schedule-1 of the Petition by including/incorporating the fixed deposit receipts and mutual funds, the particulars of which are mentioned in paragraph 5 of the Interim Application. The grant of probate of the Will shall also be amended on the same terms.
- ii) The amendment shall be carried out by the Applicant/Petitioner within a period of four weeks from the date of this order.
- iii) Interim Application is disposed of in the above terms.

Digitally  
signed by  
WAISHALI  
SUSHIL  
WAGHMARE  
Date:  
2021.10.22  
02:14:26  
+0530

(R.I. CHAGLA, J.)