

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

**INTERIM APPLICATION NO. 2070 OF 2021
IN
TESTAMENTARY PETITION NO. 2697 OF 2019**

Smt. Mandakini Vasant Patwardhan		
alias Mandakini V. Patwardhan	...	Deceased
And		
Ravindra Ganesh Vaidya	...	Applicant
In the matter of		
Ganesh Vinayak Vaidya	...	Petitioner

Mr. Jaideep Mitra i/b Laxmi Jessani for the Applicant.

CORAM : R.I. CHAGLA, J.

DATED : 14th OCTOBER, 2021.

P.C. :

1 Heard the learned Counsel for the Applicant.

2 By this Interim Application, the Applicant is seeking deletion of the Original Petitioner in the title of the Testamentary Petition No.2697 of 2019 and for substituting himself as the Petitioner in place and stead of his father Mr. Ganesh Vinayak Vaidya (since deceased), the Original Petitioner. The Testamentary Petition had been filed by the deceased Mr. Ganesh Vinayak Vaidya for grant of letters of administration with Will annexed in respect of properties and credits of Smt. Mandakini Vasant Patwardhan (the said deceased).

3 The Applicant has stated in paragraph 4 of the Petition that the father and mother of the deceased predeceased the deceased, having expired prior to 1960. The husband of the deceased, Mr. Vasant Chintaman Patwardhan predeceased the deceased on 22.07.2019. The father and mother of Mr. Vasant Chintaman Patwardhan also expired prior to 1940. The said deceased and Mr. Vasant Chintaman Patwardhan had one son, Mr. Ramesh Vasant Patwardhan who expired at Georgia, USA prior to July 2011. The son's wife Mrs. Sheryl Ann Ramesh Patwardhan, expired at Georgia, USA, prior to September, 2011. Mr. Ramesh Vasant Patwardhan and Mrs. Sheryl Ann Patwardhan had no issue. The Applicant has also stated that to the best of his knowledge and belief, the husband of the deceased left no brother or sister or other legal heirs except as mentioned in the said paragraph. The nearest relations to the deceased were Mr. Ganesh Vinayak Vaidya, the Original Petitioner who is the first cousin brother of the husband of the deceased. Therefore, nearest relations of the deceased was Mr. Ganesh Vinayak Vaidya, who has recently expired and his sister Smt. Shashikala Ramchandra Joshi. The said Smt. Shashikala Ramchandra Joshi has given her consent by affidavit dated 20.06.2019 for issue of letters of administration in favour of the Original Petitioner. The Applicant being the son of the Original Petitioner applies for substitution of the Original Petitioner with himself as Petitioner

in the Testamentary Petition.

4 Having considered the submissions of the learned Counsel for the Applicant and the averments in the Interim Application and the consent affidavit of Smt. Shashikala Ramchandra Joshi, sister of the Original Petitioner, I am inclined to grant relief sought for in the Interim Application.

5 Hence, the following order is passed :

i) The Applicant is permitted to carry out amendment in the Testamentary Petition No.2697 of 2019 by deleting the name of the Original Petitioner. The Applicant be substituted in place and stead of the Original Petitioner. The amendment shall be carried out as per draft amendments in the schedule at Exhibit-D of the Interim Application. Consequential amendments are also allowed to be carried out.

ii) Applicant shall carry out amendments mentioned in as above, within a period of four weeks from the date of this order.

iii) Interim Application is accordingly disposed of.

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(R.I. CHAGLA, J.)