

Sharayu Khot.

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

INTERIM APPLICATION NO. 2230 OF 2021
IN
TESTAMENTARY PETITION NO. 300 OF 2021

Arti Anilkumar Shah alias Arti Anil Shah ...Applicant

In the matter between

Anil Mithalal Shah ...Petitioner

Versus

Arti Anilkumar Shah alias Arti Anil Shah ...Applicant

Mr. S.U. Lakdawala for the Applicant.

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 deletion of the name of the Petitioner in Testamentary Petition No. 300 of 2021 and the name of the Applicant be substituted as Petitioner and consequential amendment.

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3. The Applicant is also seeking amendment in the Petition in terms of Schedule at Exh.D to the Interim Application.

4. The Applicant has stated in the Interim Application that the original Petitioner being husband of the Applicant had expired on 4th February 2021 leaving behind her as his only heir.

5. The Petition is for succession certificate in respect of certain debts and securities belongings to the father of the original Petitioner Mithalal Somchand Shah and mother of the original Petitioner Chandraben Mithalal Shah.

6. It is stated in paragraph 3 of the Interim Application that during the pendency of the Petition, it was brought to the knowledge of the Applicant that one bank account has been left to be incorporated and which is mentioned in Schedule at Exh.D to the Interim Application.

7. I am satisfied with the averments in the Interim

Application that a case has been made out for substitution of the Applicant who is the wife of the original Petitioner as Petitioner in place of the deceased original Petitioner Anil Mithalal Shah.

8. Further, the Petitioner has also made out a case for grant of amendment by incorporating the bank account which had been left to be incorporated and which is in terms of the Schedule at Exh.D to the Interim Application. Hence, the following order:-

- (i) The Applicant shall carry out amendment in Testamentary Petition No. 300 of 2021 by deleting the name of the original Petitioner and substituting the Applicant as Petitioner as well as consequential amendments.
- (ii) In the Testamentary Petition the Applicant is also permitted to add the debts and securities at all requisite places.

- (iii) The details of Bank Accounts/fresh asset having been left to be incorporated shall be incorporated in the Petition in terms of Schedule Exh.D to the Interim Application.
- (iv) The Applicant shall carry out the amendments within a period of four weeks from the date of this order.
- (v) Interim Application is disposed of in the above terms.

[R.I. CHAGLA J.]