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

**INTERIM APPLICATION NO.2427 OF 2021
IN
TESTAMENTARY PETITION NO.2076 OF 2016**

Maria Regina Paes

...Deceased

**Cheryl Ann Paes, alias Cheryl Anthony
Paes**

... Petitioner

Vidhya Iyengar and Shridhar S. for the Petitioner.

**CORAM : R.I. CHAGLA J.
DATE : 29 October 2021**

ORDER :

1. Heard learned Advocate for the Petitioner.
2. By this Interim Application the Applicant is seeking permission to amend schedule – I of the Testamentary Petition No.2076 of 2016 as per the draft amendment annexed at Exhibit -C to the Interim Application and for carrying out consequential amendments. Further relief is sought for directions to the Prothonotary and Senior Master to amend the grant of letter of administration dated 10th November, 2017

and issue amended grant of letter of administration to the Applicant / original Petitioner.

3. The Applicant has stated that she has received all the properties of the deceased as mentioned in schedule I of the Petition. Consent Affidavit had been filed by her son Mr. Derryl Anthony Paes, who is the only other surviving heir of the deceased and which consent Affidavit is annexed to the Petition.

4. The Applicant has stated that she has recently discovered other assets by way of shares of the deceased after obtaining the grant of letters of administration which she was unaware at the time of filing of the Petition and therefore could not mention the same in the Petition. There are 4,610 shares of Dalmia Bharat Sugars and Industries Ltd. of face value Rs.2/- each and market value of about Rs.4,01,992/-. The Applicant has stated that schedule I to the Testamentary Petition is required to be amended by incorporating the said shares of Dalmia Bharat Sugars and Industries Ltd. at item No.12A under "*In the State of Tamil Nadu*" and for the original grant to be amended accordingly. Further amendment is sought in the

gross total of the value of the assets of the said deceased which is required to be amended from the figure of Rs.3,48,34,195/- with the figure of Rs.3,52,36,187/-. The Applicant / original Petition has already paid Court fees of Rs.75,000/- on original Petition.

5. In view of the averments in the Interim Application, I am satisfied that the Applicant has made out a case to grant relief as sought. Hence the following order:-

(i) The Applicant is permitted to amend Testamentary Petition No.2076 of 2016 as per the draft amendment at Exhibit - C and carry out consequential amendments. The amendment shall be carried out within a period of four weeks from the date of this Order.

(ii) The Prothonotary and Senior Master of this Court is directed to amend the grant of letters of administration dated 10th November, 2017 after issuing notice to the other heirs of the deceased Mr. Deerryl Anthony Paes, the son of the Applicant. Upon notice on the other surviving heir is

served and he has given his consent, the grant of letters of administration dated 10th November, 2017 shall be amended and the amended grant of letters of administration shall be issued to the Applicant / original Petitioner.

6. Interim Application is disposed of in the above terms.

[R.I. CHAGLA J.]