

jsn

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

CHAMBER SUMMONS NO.10 OF 2019
IN
TESTAMENTARY PETITION NO.541 OF 2015

Abhay R. Jambekar

...Deceased

Nalin Shamldas Vaghia

...Petitioner

Mr. B.G. Saraf, for the Petitioner / Applicant.

CORAM : R.I. CHAGLA J.

DATE : 25 October 2021

ORDER :

1. Heard the learned Advocate for the Applicant.
2. By this Application, the Applicant is seeking substitution of the name of the original Petitioner Abhay R. Jambekar who had expired on 30th March, 2018 and for adding in place of the original Petitioner, the Applicant Nalin Shamldas Vaghia as the Petitioner in the title of the proceedings and for consequential amendments as set out in

the schedule to the Chamber Summons.

3. The learned Advocate for the Applicant states that as per the said Will and testament of the deceased Kunda Mahadeo Khandkar dated 1st January, 2002 and codicil 3rd December, 2012 which is in Marathi language, it is stated that in the event the executor / original Petitioner Mr. Abhay R. Jambekar is unable to act as executor then, the Applicant Nalin Shamldas Vaghia will be appointed in his place as executor.

4. In view of the averments in the Chamber Summons and upon perusal of the last will and testament dated 1st January, 2002 and codicil dated 3rd December, 2012 of Kunda Mahadeo Khandkar, the relief sought for in the Chamber Summons is required to be granted. Hence the following order:-

(i) The Chamber Summons is made absolute in terms of prayer of clause (a).

(ii) The amendment shall be carried out by the Applicant

as per the schedule annexed and the Applicant shall be brought in place and stead of original Petition who had expired, in the title of the proceedings as well as consequential amendment in respect thereof.

(iii) Amendment shall be carried out within a period of three weeks from the date of this order.

(iv) The Applicant upon being substituted as original Petitioner shall serve citation on all the legal heirs of the deceased Kunda Mahadeo Khandkar.

(v) The Chamber Summons is accordingly disposed of in above terms.

[R.I. CHAGLA J.]