

Chaitali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 1659 OF 2022
IN
TESTAMENTARY PETITION NO. 419 OF 2019**

Meenakshi Neelakantan

**...Applicant/
Org.
Petitioner**

Versus

**T.R. Neelakantan alias Tarakad
Raman Neelakantan (deceased)**

...Respondent

Yogini D. Gada a/w Komal Shah i/b Manisha Pant for the
Petitioner.

**CORAM : R.I. CHAGLA J.
DATE : 18TH NOVEMBER, 2022**

ORDER :

1. Heard learned Advocate appearing for the Applicant /
Original Petitioner.

2. By this Interim Application, the Applicant is seeking
condonation of delay in filing the present Interim Application as
well as for permission to the Applicant, being the Original
Petitioner in the Testamentary Petition No. 419 of 2019 to amend
Schedule 1 of the Petition as per the Schedule of Amendment
annexed to the Interim Application. Further, relief is sought for

directing the office of this court to amend the Schedule of Assets appearing in the Succession Certificate dated 16th January 2021 issued by this court as per the Schedule of the Amendment annexed to the Interim Application.

3. The Applicant has stated that the Testamentary Petition bearing No. 419 of 2019 was filed in this court seeking Succession Certificate in respect of the securities mentioned in Schedule 1 to the Petition. The Succession Certificate was issued by this court on 16th January 2021. After issuance of the Succession Certificate and after obtaining the said grant, on or about 27th February 2020, the Applicant found out certain dividend warrants issued by SRF Ltd. in favour of the deceased or deceased husband Late Tarakad Raman Keelakantan. The dividend warrant was not encashed as related details were not known to the Applicant. Thereafter, the Applicant applied for the copy of a Share Certificate issued by SRF Ltd. in favour of the deceased. However, the details in respect thereto could not be matched with the dividend warrant. The Applicant has stated that necessary explanation from SRF Ltd. was sought by email dated 27th February 2021. In his response thereto the Applicant was informed by email dated 9th March 2021 that her deceased husband was entitled to the shares. The details have been set

out and dividends in respect of the same were not claimed for the past seven years and in view thereof the shares had been transferred by the Company to the Investor Education and Protection Fund (IEPF) established by the Central Government.

4. The Applicant has stated that the said shares / share certificate was not included in the Schedule 1 of the Petition for Succession Certificate as it was not to the knowledge of the Applicant and which was learnt only after issuance for Succession Certificate. Accordingly, the present Interim Application has been taken out. The Consent Affidavits of the legal heirs of the deceased have been filed.

5. I have considered the averments in the Interim Application and noted that the Schedule of the Amendment is with regard to inclusion of the shares of SRF Ltd. in Schedule 1 of the Petition which were not included in view of the Applicant only having learnt of the said shares after grant of Succession Certificate and upon finding the dividend warrant issued by SRF Ltd. in favour of the deceased or her husband. Accordingly, the relief sought for in the Interim Application requires to be granted. Hence, the following order is passed:

I) The delay in filing the present Interim Application is condoned.

ii) The Applicant is permitted to amend the Schedule 1 of the Testamentary Petition No. 419 of 2019 as per the Schedule of Amendment annexed to the Interim Application.

iii) The Testamentary Registrar shall amend the Schedule of Assets appearing the Succession Certificate dated 16th January 2021 issued by this court as per the Schedule of Amendment annexed to the Interim Application.

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

v) Re-verification is dispensed with.

vi) The Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]