

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

**INTERIM APPLICATION NO. 2540 OF 2021
IN
TESTAMENTARY PETITION NO. 896 OF 2017**

Malti Mukul Zaveri ... Applicant/Petitioner

And

Motichand Khubchand Javeri ... Deceased

Ms. Devagni Vatsaraj i/b Lex Services for the Applicant/Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 4th FEBRUARY, 2022.

(V.C.)

ORDER :

1 By this Interim Application, the Petitioner is seeking permission to amend Schedule No.I annexed to the Petition in terms of Schedule annexed to the Interim Application, by including the additional shares left by the deceased and for carrying out the necessary and consequential amendments within four weeks from the date of the order.

2 The Applicant is the Original Petitioner in the Testamentary Petition which was filed on 05.04.2017. By the order dated 11.03.2020,

this Court granted letters of administration in respect of all the property and credits of the deceased in favour of the Petitioner. After grant of letters of administration, the Petitioner learnt of certain shares left by the deceased which were not included in the Schedule-I annexed to the Petition. The Petitioner has accordingly taken out this Interim Application for amendment of the said Schedule to include the additional shares as per the Schedule annexed to the Interim Application.

3 Having considered the submission of the learned Advocate for the Applicant/Petitioner as well as the averments in the Interim Application, a case is made out for permitting the Petitioner to carry out the amendment in the Schedule-I annexed to the Petition in terms of the Schedule annexed to the Interim Application. The Registry shall carry out amendment in the grant of letters of administration dated 11.03.2020. I have taken note of the fact that the Petitioner is the only surviving heir of the son of the deceased being the daughter-in-law of the deceased as all the other heirs of the deceased have expired as mentioned in paragraph 4 of the Petition.

4 Hence, the following order is passed :

- i) The Petitioner is permitted to amend Schedule-I annexed to the Petition in terms of the Schedule annexed to

the Interim Application as well as carry out the necessary and consequential amendments within a period of four weeks from the date of this order.

ii) The Registry is directed to amend the grant of letters of administration dated 11.03.2020 in view of the amendment being permitted to be carried out by the Petitioner in Schedule-I to the Petition in terms of the Schedule annexed to the Interim Application. This would be subject to the Petitioner furnishing further Administration Bond as per Rule 422 of the High Court, (Original Side), Rules.

iii) Interim Application is accordingly disposed of in the above terms.

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signed by
WAISHALI
SUSHIL
WAGHMARE
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(R.I. CHAGLA, J.)