

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.1185 OF 2022
IN
NOTICE OF MOTION NO.72 OF 2019
IN
TESTAMENTARY PETITION NO.1555 OF 2015**

Yogesh Subhash Mulye & Anr. ... Applicants

In the matter between

Hemangi Ravindra Mulye ... Deceased

Subhash Keshav Mulye & Anr. ... Petitioners

Ms. T. J. Kapre for the Applicants.

CORAM : ARIF S. DOCTOR, J.

DATE : 09TH DECEMBER 2022

P.C. :

1. The present Interim Application seeks an amendment to Schedule-I of the Testamentary Petition No.1555 of 2015. The Applicants herein are the legal heirs (son and daughter) of the original Petitioner No.1, viz., Subhash Keshav Mulye. The Applicants are also the nephew and niece respectively of Smt. Hemangi Ravindra Mulye. The Miscellaneous Petition is filed seeking Letters of Administration to the property and credits belonging to Late Smt. Hemangi Ravindra Mulye. Petitioner No.1 has expired on 11/06/2018. The Applicants are seeking to be impleaded in place and stead of the original

Petitioner No.1, as they being son and daughter of Petitioner No.1 as also nephew and niece of the deceased, viz., Hemangi Ravindra Mulye, as per the provisions of the Hindu Succession Act, 1956 and thus entitled to file the present Interim Application.

2. There is a delay of 1242 days in filing of the present Interim Application. The Applicants, in Paragraph 13 of the Interim Application, have explained the reasons for the delay. I am satisfied that the delay in this case ought to be condoned in the interest of justice and that the Interim Application ought to be allowed. The Interim Application is therefore made absolute in terms of prayer clauses (a) & (b), which read thus :-

“a. That the delay in filing the interim application of 1242 days be condoned.

b. That this Hon’ble Court be pleased to allow the Applicant/Petitioner to amend the Petition and also Schedule-I as per Schedule annexed hereto.”

3. The Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)