

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

**INTERIM APPLICATION NO. 1052 OF 2022
IN
TESTAMENTARY PETITION NO. 2960 OF 2018**

Renuka Jatin Mehta ... Applicant/Petitioner

And

Rohit Harshadrai Bhatt ... Deceased

Ms. Rashmi Parmar for the Applicant/Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 21st OCTOBER, 2022.

ORDER :

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

2 By the present Interim Application the Applicant is seeking permission to amend the Petition as per the schedule of amendment annexed to the Interim Application and for the office to be directed to carry out amendment in the original grant of probate dated 26.11.2019.

3 The Applicant has stated that the Petition for probate was filed of last Will and Testament dated 08.07.2018 of the deceased Rohit

Harshadrai Bhatt. The Applicant was the sole executrix named under the last Will and Testament of the deceased. This Court had granted probate on 26.11.2019.

4 The Applicant states that after grant of probate, the Applicant came to know about equity shares standing in the name of the deceased. Accordingly, the present Interim Application has been taken out for inclusion of these equity shares/movable properties standing in the name of the deceased in the original grant of probate dated 26.11.2019 issued by this Court to enable the Applicant to receive the amount of investment from the concerned authorities.

5 The Applicant has stated that there were other legal heirs surviving the deceased. The particulars and relationship of the legal heirs with the deceased are set out in the tabular form at paragraph 5 of the Interim Application. The consent affidavits have been filed by the other legal heirs of the deceased given their full and free consent to the relief sought for in the Petition to be granted in favour of the Petitioner.

6 Having considered the averments in the Interim Application as well as noting the fact that the amendment is for inclusion of movable properties/equity shares of various Companies which stood in the name of the deceased and which the Applicant learnt of only after grant of probate

dated 26.11.2019 issued by this Court, the relief sought for requires to be granted. Further, the other legal heirs of the deceased have filed their consent affidavit by which they have consented to the grant of relief sought for in the Petition. Hence, the following order is passed :

- i) The Applicant/Original Petitioner is permitted to amend the Petition as per schedule of amendment annexed at Exhibit-B to the Interim Application.
- ii) Amendment shall be carried out within a period of three weeks from the date of this order.
- iii) Re-verification is dispensed with.
- iv) The office is directed to carry out the necessary amendment in the original grant of probate dated 26.11.2019.
- v) The Interim Application is disposed of in the above terms.

(R.I. CHAGLA, J.)

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