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

INTERIM APPLICATION NO.976 OF 2022
IN
TESTAMENTARY PETITION NO.2507 OF 2017

Ameet Ratanlal Dalal

...Applicant /
Petitioner

Versus

Ratanlal Mansukhlal Dalal

...Deceased

Mr. Ajit S. Hodage for the Applicant / Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 12TH AUGUST, 2022

ORDER :

1. Heard learned Counsel for the Applicant / Petitioner.
2. By this Interim Application the Applicant / Original Petitioner is seeking permission to amend the Testamentary Petition No.2507 of 2017 and schedule of Securities as per the schedule of amendment annexed at Exhibit B to the Interim Application and for carrying out consequential amendment. Further relief is sought for

directions to the Prothonotary and Senior Master of this Court to amend grant of succession certificate dated 12th April, 2018 and issue amended / extended grant of Succession Certificate to the Applicant / Original Petitioner.

3. The Applicant / Original Petitioner had filed Testamentary Petition No.2507 of 2017 for grant of Succession Certificate, this Court had issued the grant on 12th April, 2018. The Applicant / Original Petitioner has stated that he is the only legal heir of the deceased being the son of the deceased.

4. The Applicant had received the securities of the deceased mentioned in the schedule of the Petition. The Applicant was unaware of the deceased holding some shares of Ambuja Cement Company. The shares were not mentioned in the schedule of the Testamentary Petition. The particulars of the same were not available and / or traceable at the time of filing of the Petition. The Applicant has stated that he came to know the additional shares in or about November, 2020. He thereafter wrote a letter dated 7th December, 2020 to the Registrar and Transfer Agents – Link Intime India Pvt. Ltd. requesting details of share details. This was responded to by the

Registrar / Transfer Agent and the Applicant was informed about the current status of the said shares and procedure to be adopted for getting the said shares transmitted. This is by letters dated 2nd February, 2021 and 15th June, 2021. Accordingly, the present Interim Application is taken out for amendment in the schedule of securities annexed to the Testamentary Petition.

5. Having considered the averments in the Interim Application as well as the submission of the learned Advocate for the Applicant / Original Petitioner, a case is made out for grant of relief sought for. Hence, the following Order:-

(i) The Applicant / Original Petitioner is permitted to amend the Testamentary Petition No.2507 of 2017 and schedule of securities thereto in accordance with schedule of amendment annexed at Exhibit 'B' to the Interim Application as well as to carry out consequential amendment.

(ii) Amendment shall be carried out by the Applicant / Original Petitioner within three weeks from the date of this Order.

(iii) Considering that the Applicant / Original Petitioner is the only legal heir of the deceased consent is not required for carrying out amendment. Re-verification is dispensed with.

(iv) The Prothonotary and Senior Master of this Court shall amend the grant of Succession Certificate dated 12th April, 2018 and issue amended / extended grant of Succession Certificate to the Applicant / Original Petitioner.

(v) The Interim Application is disposed of accordingly.

[R.I. CHAGLA J.]