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

INTERIM APPLICATION NO.1234 OF 2022
IN
TESTAMENTARY PETITION NO.604 OF 2020

Reshma Mohd @ Mohamed Sarwar Khan

...Applicant /
Petitioner

Versus

Hoorbai Mohd Adikari @ Adhikari Hurbai
Mahamadhusen
Mohd Hussein Gulam Mohd Adhikari

...Deceased

Mr. Ajit Hodage for the Applicant / Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 12TH AUGUST, 2022

ORDER :

1. Heard learned Counsel for parties.
2. By this Interim Application, the Applicant is seeking permission to amend Testamentary Petition No.604 of 2020 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 direction to the Prothonotary and Senior Master of this Court to amend the grant of Successions Certificate dated 17th February, 2021 and issue amended / extended grant of succession certificate to the Applicant / Original Petitioner.

3. The Applicant has filed the Testamentary Petition No.604 of 2020 for grant of Succession Certificate issued by this Court as per the order dated 17th February, 2021. The Applicant is stated to be the daughter of the deceased. The Applicant after receipt of Succession Certificate had approached the Britannia Industries Ltd for transmission of the securities mentioned in the Succession Certificate. She was informed by the Company that name of the deceased persons on the record of the Company is ‘Hurbai Mohamed” and “Mohamed Husain” respectively. Thus the Company Secretary of the Company informed the Applicant to get the said names of the deceased shareholders included in the Succession Certificate so as to enable them to process the Applicant’s application for transmission of said securities.

4. The Applicant has stated that the correct names are required to be reflected in the cause title of the Testamentary Petition

in addition to the names which are already mentioned by carrying out amendment in the Petition. In view thereof, the present Interim Application has been taken out. Further the address of the Petitioner is required to be deleted from the cause title and substituted by the address to be mentioned in the cause title.

5. Having considered the averments in the Interim Application as well as submission of the learned Advocate for the Applicant, a case is made out for grant of relief as sought for in the Interim Application. The amendment sought is only for correction of names of the deceased persons / shareholders and for correction of the address of the Petitioner. Hence the following order:-

(i) The Applicant / Original Petitioner is permitted to amend the Testamentary Petition as per the schedule of amendment annexed at Exhibit B to the Interim Application and for carrying out consequential amendment. Re-verification is dispensed with.

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

(iii) The Prothonotary and Senior Master of this Court is directed to amend the grant of succession certificate dated 17th February, 2021 and issue amended / extended grant of succession certificate to the Applicant / Original Petitioner.

(iv) The Interim Application is disposed of accordingly.

[R.I. CHAGLA J.]