

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

**INTERIM APPLICATION NO. 1015 OF 2022
IN
TESTAMENTARY PETITION NO. 1488 OF 2018**

Nasreen Rashid Shaikh & Ors. ... Applicants/Petitioners

And

Noorjehan Hasanali Rizvi
@ Noorjehan H. Rizvi @
N.H. Rizvi @ Noorjehan Rizvi ... Deceased

Ms. Dipti Bhuta i/b Nerissa m. Almeida for the Applicants/Petitioners.

CORAM : R.I. CHAGLA, J.

DATED : 11th MARCH, 2022

ORDER :

1 Heard the learned Counsel appearing for the Petitioners. By this Interim Application, the Applicants/Original Petitioners have sought permission for amending schedule of Petition No.1488 of 2018 as per the schedule of amendment at Exhibit-A to the Interim Application along with other consequential amendments if any, and for succession certificate dated 22.10.2020 to be amended accordingly. Further relief is sought for

succession certificate dated 22.10.2020 be extended to include the securities at Exhibit-B of the Interim Application and extension certificate be granted in respect of the same.

2 It is stated by the Applicants/Original Petitioners that succession certificate were applied for in respect of certain debts and securities standing in the name of the deceased, being bank accounts and shares. On 22.10.2020 the succession certificate was granted by this Court to the Applicants/Original Petitioners. After obtaining the succession certificate, it came to the knowledge of the Applicants/Original Petitioners that through oversight there were several mistakes in the distinctive numbers and the total number of shares in several entries in the schedule in the Petition and which are also reflected in the succession certificate dated 22.10.2020.

3 The Applicants/Original Petitioners has further stated that it was brought to their notice that several certificates of Unit Trust of India as well as certain shares of Porrits and Spencer Limited (now Voith Paper Fabrics Limited) and SRF Limited remained to be mentioned in the schedule of Petition and hence, it was necessary to seek extension certificate with regard to the same. Accordingly, the present Interim Application has been taken out.

4 Having considered the submissions of the learned Counsel for the Applicants/Original Petitioners as well as the averments in the Interim Application, a case has been made out for grant of relief sought for in the Interim Application. It is stated in paragraph 5 of the Interim Application that the Applicant/Original Petitioner are the only heirs of the deceased.

5 Hence, the following order :

- i) The Applicants/Original Petitioners are permitted to amend the schedule of Petition No.1488 of 2018 as per schedule of amendments at Exhibit-A to the Interim Application.
- ii) The Applicants/Original Petitioners are also permitted to carry out consequential amendments, if any.
- iii) The Applicants/Original Petitioners shall carry out the amendments to the schedule of Petition by 14.03.2022.
- iv) The succession certificate dated 22.10.2020 shall also be extended to include the securities at Exhibit-B and extension certificate granted in respect of the same.
- v) The Testamentary Department accordingly directed to take notice of this order and permit to carry out the

aforementioned amendments.

vi) The Testamentary Department shall expedite the extension of the succession certificate dated 22.10.2020 for inclusion of the above amendments.

Vii) The re-verification is dispensed with.

viii) Interim Application is disposed of in the above terms.

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(R.I. CHAGLA, J.)