

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

**INTERIM APPLICATION (L) NO. 1071 OF 2022
IN
TESTAMENTARY PETITION NO. 3100 OF 2019**

Agnes Matilda D'Souza ... Applicant/Petitioner

And

John Baptist Valerian D'Souza
alias John Baptist V. D'Souza ... Deceased

Mr. S.U. Lakdawala for the Applicant/Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 8th JULY, 2022.

ORDER :

1 Heard the learned Counsel for the Applicant. By this Interim Application the Applicant is seeking amendment to the Petition in terms of schedule of amendment at Exhibit-B to the Interim Application along with consequential amendments. Further, direction is sought against the Prothonotary and Senior Master for acceptance of original grant of Letters of Administration for amendment.

2 The Applicant has stated that the Applicant/Petitioner had filed Petition for grant of Letters of Administration of the property and credits of the deceased in capacity as Sister of the deceased. This Court issued grant in favour of the Applicant/Petitioner on 03.11.2020. After issuance of grant, it came to the knowledge of the Applicant that few shares have been missed out as they stand in the name of the deceased. List of shares have been annexed at Exhibit-B to the Interim Application. The deceased was survived by the Applicant/Petitioner who is Sister of the deceased along with another Sister, Brother and married Sister of the deceased. The other legal heirs of the deceased mentioned in tabular form in paragraph 3 of the Interim Application have filed their consent affidavit giving their full and free consent on behalf of the Applicant/Petitioner for the extension/amendment to the grant of Letters of Administration without serving of citation/notice upon them and without any surety being justified for their share in the estate of the deceased. The consent affidavit is dated 23.02.2022.

3 Having considered the averments in the Interim Application as well as the submission of the learned Counsel for the Applicant, a case is made out for grant of relief in the Interim Application. Hence, the following order :

- i) The Applicant/Petitioner is permitted to amend the Petition in terms of schedule of amendment at Exhibit-B to the Interim Application along with consequential amendments.
- ii) Re-verification is dispensed with.
- iii) The Prothonotary and Senior Master shall accept the original grant of Letters of Administration for amendment.
- iv) Interim Application is accordingly disposed of in the above terms.

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signed by
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SUSHIL
WAGHMARE
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(R.I. CHAGLA, J.)