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

INTERIM APPLICATION NO.389 OF 2020
IN
TESTAMENTARY PETITION NO.1798 OF 2016

Avantika J. Trivedi

...Petitioner

Versus

K. Shah @ Kiran Kapurchand Shah

...Deceased

Varsha Palav with Anuj Tiwari i/b. The Laureate for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 14TH NOVEMBER, 2022

ORDER :

1. Heard learned Advocate appearing for the Applicant /
Petitioner.

2. By this Interim Application, the Applicant is seeking
grant of extended Letters of Administration in Testamentary Petition
No.1798 of 2016 in respect of shares described in paragraph 8 (I),
(II) and (III) of the Interim Application (incorrectly mentioned as
paragraph 9 in prayer clause (a) which shall be corrected forthwith)

as well as in the schedule at Exhibit F to the Interim Application.

3. The Plaintiff has stated that the grant of Letters of Administration was issued by this Court on 27th March, 2017. The Applicant had after issuance of grant realized that the shares described in paragraph Nos.8(I) and 8(II) stood in the name of the deceased. Further, the shares described in paragraph No.8(III) which stood in the joint names of Mr. Kapurchand Thakersi Shah and the deceased were mentioned in the Release Deed executed on 9th March, 2017 and coming to the share of the Applicant / original Petitioner and for which the other legal heirs of the deceased have recorded their no objection for the same. In view of the shares not being traceable at the time of execution of the Release Deed dated 9th March, 2017 and / or grant of Letters of Administration, the same could not be placed on record in the Testamentary Petition. The said shares have now been traced and accordingly the present Interim Application has been taken out. The Applicant has stated that there is no delay in taking out the Interim Application.

4. I have considered the averments in the Interim Application as well as noted that the Letters of Administration was

granted on 27th March, 2017 and prior thereto Release Deed has been executed on 9th March, 2017 in which the shares mentioned were not traceable at the time of execution of the Release Deed dated 9th March, 2017 and hence were not included in the Testamentary Petition for Letters of Administration. The said shares have now been traced and accordingly steps are taken for including the shares in the grant. Accordingly, a case is made out for grant of the relief sought for in the Interim Application. Hence, the following order:-

(i) The Applicant is permitted to amend the Testamentary Petition in accordance with schedule at Exhibit F to the Interim Application.

(ii) Amendments shall be carried out within a period of four weeks from the date of this order.

(iii) Re-verification is dispensed with.

(iv) The Applicant shall be granted extended Letters of Administration in Testamentary Petition No. 1798 of 2016 in respect of shares described in Paragraph 8 (I), (II) and (III) of the

schedule at Exhibit F to the Interim Application.

(v) The Testamentary Department shall expedite the issuance of grant of extended Letters of Administration.

(vi) The Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]