

Sharayu Khot.

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

INTERIM APPLICATION NO. 397 OF 2020
IN
TESTAMENTARY PETITION NO. 1012 OF 2017

Amit Dev Mehta

...Applicant/
Petitioner

And

Dr. Kaushalya Mehta

...Deceased

Mr. Prabhu Velar for the Applicant/Petitioner.

CORAM : R.I. CHAGLA J

DATE : 8 April 2022

ORDER :

1. Heard learned Counsel for the Applicant/original
Petitioner.

2. By this Interim Application, the Applicant is
seeking permission to amend the Schedule I to the Petition in
accordance with the draft amendment as per Exh.B to the
Interim Application.

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3. The Applicant had obtained grant of Letters of Administration to the estate of his deceased mother Dr. Kaushalya Mehta, who expired on or about 22th July 2010. The Applicant has stated that after receiving the grant issued on 31st December 2017, the Applicant had approached the concerned Authority to transfer the immovable property mentioned in the Schedule I of Sr.No. 4 of the grant issued. The Applicant was informed that the area of the premises and some vital details of the immovable property was not mentioned at Sr.No. 4 of Schedule I to the Petition which needs to be incorporated. Hence, the asset could not be transferred in the name of the Applicant.

4. The Applicant is stated to be the sole legal heir of the deceased Dr. Kaushalya Mehta who expired on 22nd July 2010.

5. Accordingly, the present Interim Application is filed for amendment of the Schedule I to the Petition and in particular, Sr.No. 4 of the Schedule I.

6. In addition, at paragraph 5, the Applicant has stated that the Applicant discovered some investments standing in the name of the deceased, i.e., preference shares, equity shares and the debentures and the same is also mentioned in the proposed amendment at Schedule I at Exh.B to the Interim Application.

7. Having considered the averments in the Interim Application as well as the submissions of the learned Advocate for the Applicant, a case is made out for grant of relief sought for. Hence the following order :-

(i) The Applicant is permitted to carry out the amendment in Schedule I of the Petition as per the draft amendment at Schedule I to the Interim Application.

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

(iii) Grant of Letters of Administration be amended

accordingly.

(iv) Re-verification is dispensed with.

(v) Interim Application is accordingly disposed of in the above terms.

[R.I. CHAGLA J.]