

Chaitali

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

INTERIM APPLICATION NO. 1777 OF 2022
IN
TESTAMENTARY PETITION NO. 67 OF 2022

Dilipkumar Bhimraj Shah

...Applicant/
Petitioner

Versus

Padmadevi Dilip shah alias Jain

...Respondent

Yogini D. Gada a/w Komal Shah i/b Sachin Karia, for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 18TH NOVEMBER, 2022

ORDER :

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

2. By this Interim Application, the Applicant is seeking condonation of delay in filing the present Interim Application and for permission to amend Schedule 1 of Testamentary Petition No. 67 of 2012 as per the Schedule of Amendment annexed to the Interim

Application. Further, relief is sought for direction to the office of this court to amend the Schedule of Assets appearing with the Original grant of Letters of Administration dated 20th March 2013 as per the Schedule of Amendment annexed to the Interim Application.

3. The Applicant, who is the Original Petitioner had filed Petition for Letters of Administration to the property and credits of the deceased Padmadevi alias Padma Dilip Shah alias Jain. This court had granted Letters of Administration on 20th March 2013 in favour of the Applicant/Original Petitioner.

4. The Applicant has stated that after grant of Letters of Administration, he found certain Bank Accounts and Demat Accounts standing in the name of the deceased which were not encashed as the related details were not known to the Applicant.

5. In view thereof, the said Bank Accounts and Demat Accounts could not be included as part of the assets of the deceased in Schedule 1 to the Petition. The legal heirs of the deceased have been mentioned in the tabular form at paragraph 5 of the Interim Application, which includes the Petitioner, who is the husband of the

deceased, and one son and 2 daughters of the deceased.

6. The other legal heirs of the deceased have filed their Consent Affidavits giving their full and fresh consent for amendment of the petition and grant of Letters of Administration without serving citation and / or notice upon them. Accordingly, the present Interim Application has been taken out for amendment as per Schedule annexed at Exhibit B to the Interim Application.

7. I have considered the averments in the Interim Application as well as noted that in the Schedule of the amendment at Exhibit B to the Interim Application, the Bank Accounts and Demat Accounts standing in the name of the deceased have been sought to be included in Schedule of Assets at Schedule 1 of the Petition as well as consequential amendment to be made. Further, the other legal heirs of the deceased have filed their Consent Terms. Accordingly, the relief sought for in the Interim Application is required to be granted. Hence, following orders passed:

- i) The delay in filing the Interim Application is condoned.
- ii) The Applicant / Original Petitioner is permitted to amend

Schedule 1 of Testamentary Petition No. 67 of 2012 in accordance with the Schedule of Amendment annexed to the Interim Application.

- iii) The Amendment shall be carried out within a period of three weeks from the date of this order.
- iv) Re-verification is dispensed with.
- v) The Office of this court is permitted to amend the Schedule of Assets appearing with the Original grant of Letters of Administration dated 20th March 2013 issued by this court in accordance with the Schedule of Amendment annexed to the Interim Application.
- vi) The Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]