

Sharayu Khot.

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

INTERIM APPLICATION NO. 2942 OF 2022

IN

TESTAMENTARY PETITION NO. 557 OF 2021

Hansa Hemant Gandhi

...Applicant/
Petitioner

And

Hasmukh Poptlal Mandavia

...Deceased

Mr. Prabhu Velar for the Applicant/Petitioner.

CORAM : R.I. CHAGLA J

DATE : 5 August 2022

ORDER :

1. Heard learned Counsel for the Applicant/Petitioner.

2. By this Interim Application, the Applicant seeks permission to carry out amendment in the schedule of the Petition in accordance with Exh.B to the Interim Application.

3. Further, relief has been sought for amendment to be

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incorporated in the original grant of Letters of Administration issued in the captioned Testamentary Petition.

4. The Applicant had filed the Petition for Letters of Administration of the properties and credits of the deceased Hasmukh Popatlal Mandavia. This Court had issued grant of Letters of Administration on 1st June 2021. The Applicant/Petitioner is the sister of the deceased and the only legal heir having full share in the estate of the deceased. There are no other legal heirs of the deceased and hence, no consent Affidavits are required to be filed in the present Interim Application.

5. The Applicant has stated that the Interim Application No. 2115 of 2021 was taken out for amendment of grant to include the FD's standing in the name of the deceased and upon which the Bank of Baroda informed that the FD amount will not be given directly to the Applicant, but will be deposited in the Bank of Baroda saving A/c standing in the name of the deceased. This was inadvertently not included in the schedule of assets. Hence, the present Interim Application has been taken out.

6. Having considered the averments in the Interim Application and the submissions of the learned Advocate appearing for the Applicant as well as noting the fact that the Applicant/Petitioner is the only surviving legal heir of the deceased and other legal heirs have expired as mentioned in paragraph 7 of the Interim Application, a case is made out for grant of relief sought for in the Interim Application. Hence the following order is passed. :-

- (i) The Applicant/original Petitioner is permitted to amend the schedule to the Petition in accordance with the draft amendment at Exh.B to the Interim Application and carry out the consequential amendments in the Petition.
- (ii) Amendment shall also be carried out in the original grant issued in the Testamentary Petition.
- (iii) Amendment shall be carried out by the Applicant/original Petitioner within a period of two weeks from the date of this order.

- (iv) Re-verification is dispensed with.
- (v) Interim Application is accordingly, disposed of in the above terms.

[R.I. CHAGLA J.]