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

INTERIM APPLICATION NO.1453 OF 2021
WITH
INTERIM APPLICATION NO.1462 OF 2021
IN
TESTAMENTARY PETITION NO.1676 OF 2016

Sudarshan Sengupta

...Petitioner

Versus

Subhendra Taraknath Sengupta

...Deceased

Praseena Elizabeth Joseph and Shrinjan Khosla for the Applicant /
Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 6TH MAY, 2022

ORDER :

1. Heard learned Advocate for the Applicant / Plaintiff.
2. By the Interim Application No.1453 of 2021, the Applicant is seeking permission to bring on record the legal representatives of the deceased Dipendra Kumar Sengupta who was the Original Petitioner who had filed the Petition for Letters of Administration of the deceased Subhendra Taraknath Sengupta. By Interim Application No.1463 of 2021,

the Applicant is seeking condonation of delay in filing Application to bring on record legal representative of deceased Dipendra Kumar Sengupta as Petitioner.

3. It is stated by the learned Advocate for the Applicant that the Original Petitioner expired on 24th October, 2018. A copy of the death certificate is at Exhibit A to the Interim Application No.1453 of 2021. The original Petitioner left as his only surviving heir and next of kin, the Applicant whose particulars are set out in tabular form in paragraph 4 of the Interim Application. The other legal heirs of the deceased had pre-deceased the deceased. Save and except the Applicant, there are no other legal heirs left by the deceased.

4. The learned Advocate for the Applicant has referred to the order dated 4th November, 2020 passed by the Company Registrar / Testamentary Registrar by which Letters of Administration had been granted in respect of the properties of the deceased original Petitioner and wherein it is mentioned that the Applicant is the legal heir of the deceased.

5. Accordingly, the Applications are made for bringing on record the Applicant as legal representative of the deceased original Petitioner and for carrying out amendment to the Petition as per schedule annexed to the

Interim Application as well as for condonation of delay.

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

- i) Delay in filing Application to bring on record legal representative of deceased Dipendra Kumar Sengupta is condoned.
- ii) The Applicant is permitted to be brought on record as legal representative of the deceased Dipendra Kumar Sengupta who was the original Petitioner who had filed the Petition for Probate of last Will and Testament of deceased Subhendra Taraknath Sengupta.
- iii) The Applicant is permitted to carry out amendment to the Petition in terms of the schedule annexed to the Interim Application.
- iv) Interim Applications are disposed of in the above terms.

[R.I. CHAGLA J.]