

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

**INTERIM APPLICATION NO. 2832 OF 2022
IN
TESTAMENTARY PETITION NO. 1920 OF 2021**

Karna Aroon Vahalia & Anr. ... Applicants/Petitioners

Versus

Aroon Umakant Vahalia ... Deceased

Ms. Sapna Sharma a/w Ms. Pratiksha Mody i/b K. Ashar & Co. for the
Applicants/Petitioners.

CORAM : R.I. CHAGLA, J.

DATED : 13th OCTOBER, 2022.

ORDER :

1 Heard the learned Advocate appearing for the Applicants/
Original Petitioners.

2 By this Interim Application the Applicant is seeking
amendment in Schedule I of the Original Petition and accordingly the
Schedule to the original grant of Letters of Administration. Further relief
is sought for direction to the Prothonotary and Senior Master of this Court
to accept the original grant of Letters of Administration for the purpose of
amendment.

3 The Applicants/Petitioners have stated that the Petition had been filed for grant of Letters of Administration with respect to the estate of deceased Aroon Umakant Vahalia who expired on 03.03.2021 at Mumbai. The Applicants/Petitioners are the only legal heirs and representatives entitled to his estate. The Applicants/Petitioners state that the Letters of Administration was granted to the Petitioners on 31.01.2022. The Applicants/Petitioners after issuance of Letters of Administration during the time when the Advocates for the Petitioners were preparing the necessary documents to submit to the Society, it had observed that there were typographical errors in respect of floor location and Share Certificate in the description of the immovable properties as mentioned at Sr. Nos.30 and 31 in schedule I annexed to the Petition. The Petitioners state that inadvertently the floor of flat No.B-9 described at Sr. No.30 and Flat No.C-6 described at Sr. No.31 in Schedule I of the Petition has been mentioned as Ground Floor instead of Third Floor. Accordingly, the present Interim Application has been taken out for carrying out necessary correction with respect to the floor of the subject flats mentioned in Schedule of Assets at schedule I of the Petition.

4 In support of the amendment sought copies of Duplicate Share Certificate No.189 dated 29.08.1978 and Duplicate Share Certificate No.190 dated 29.08.1978 in respect of subject Flat No. C-6 and

Share Certificate No.22 dated 25.06.1962 and Share Certificate No.59 dated 02.03.1964 in respect of subject Flat No.B-9 have been annexed at Exhibits B-1, B-2 and Exhibits B-3, B-4 respectively. Accordingly, the present Interim Application has been taken out.

4 Having considered the averments in the Interim Application as well as noting that the only amendment sought is in respect of the floor which had been incorrectly mentioned in respect of Flat No.B-9 and Flat No.C-6 as Ground Floor and which should be Third Floor of Triveni Building at Sr. Nos.30 and 31 of the Schedule of Assets at Schedule I of the Petition, the relief sought for in the Interim Application requires to be granted. Hence, the following order is passed :

- i) The Petitioners are permitted to amend the schedule I of the Original Petition in accordance with the schedule at Exhibit-C to the Interim Application.
- ii) The Testamentary Department is directed to amend the original grant of Letters of Administration in accordance with the schedule at Exhibit C 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 the Prothonotary and Senior Master is directed to accept the original grant of Letters of Administration for the purpose of amendment.
- vi) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

Digitally
signed by
WAISHALI
SUSHIL
WAGHMORE
Date:
2022.10.14
18:32:14
+0530