

jsn

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

INTERIM APPLICATION NO.2082 OF 2021
IN
TESTAMENTARY PETITION NO.3133 OF 2019

Kokila Hasmukh Shah

...Applicant /
Petitioner

Versus

Hasmukh Rasiklal Shah

...Deceased

Mr. Yogendra Pratap Singh for the Applicant / Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 11TH MARCH, 2022

ORDER :

1. Heard learned Advocate for the Applicant /
Petitioner.

2. By this Interim Application, the Applicant is seeking
permission to carry out the amendment in the Schedule of the
Petition as per the draft schedule annexed to the Interim
Application.

3. The Applicant had filed Testamentary Petition with Probate of the last Will and Testament of the deceased Hasmukh Rasiklal Shah vide Testamentary Petition. This Court had issued grant of Probate on 12th May, 2021. After receipt of grant of Probate, the Applicant has stated that due to inadvertence and oversight, the description of certain properties in the schedule of property in the Testamentary Petition was incorrectly reflected in Item No.13, 22 and 23 of the schedule - I and Item No.6 of the Schedule III. These items in Schedule - I are required to be corrected. Accordingly the present Interim Application has been filed.

4. I have considered the submissions of the learned Advocate for the Applicant / Petitioner as well as perused the averments in the Interim Application. I have also noted that other heirs of the deceased have filed their Consent Affidavits giving their full and free consent to the amendment without justifying the surety for legacy and / or service of citation of the proceedings upon them. These Consent Affidavits are dated 3rd March, 2022. In view thereof, relief sought for in the Interim Application is required to be granted. Hence the following order:-

(i) The Applicant / Petitioner is permitted to carry out amendment in the schedule as per the draft schedule annexed to the Interim Application within a period of two weeks from today i.e., on or before 25th March, 2022. Re-verification is dispensed with.

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

[R.I. CHAGLA J.]