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

CHAMBER SUMMONS NO.267 OF 2019
IN
TESTAMENTARY PETITION NO.1459 OF 2017

Mrs. Sangeeta Nishikant Pawar

...Applicant /
Petitioner

Versus

Shri Narain Verhomal Ajwani

...Deceased

Siddharth Ashok Desai i/b. Ankita H. Chheda and Vikas Thakkar for
the Applicant / Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 14TH OCTOBER, 2022

ORDER :

1. Heard learned Counsel for the Applicant / Petitioner.
2. The learned Counsel for the Applicant / Petitioner is permitted to amend prayer Clause (a) of the Chamber Summons by substituting the words "Exhibit A" by the words "Exhibit B" in prayer clause (a). Amendment shall be carried out forthwith.

3. By this Chamber Summons, the Applicant is seeking amendment to the schedule of the Petition as well as the schedule attached to the grant of Probate dated 7th June, 2018 in accordance with Exhibit B to the Chamber Summons.

4. The Applicant has stated in the Affidavit in Support of the Chamber Summons that, the Applicant / Petitioner had received grant of Probate on 7th June, 2018 from this Court. The description of the Flat at Serial No. 1 in the schedule to the Petition as well as attached to the grant has been wrongly described as mentioned in paragraph 2 of the Affidavit in Support of the Chamber Summons. There are further discrepancies as mentioned in Paragraph 3 of the Affidavit in Support of the Chamber Summons with regard to the area of Flat No.60 mentioned therein which requires to be correct. Further, the deceased had 1/3rd share in immovable property mentioned in paragraph 4 of the Affidavit in Support to the Chamber Summons which remained to be incorporated in the Schedule of the Petition. Accordingly, the total value of the schedule of property also requires to be corrected in view of the aforementioned changes. Hence, the present Interim Application has been filed for amendment of the Schedule of Property in the Petition as well as in the grant in

accordance with the schedule at Exhibit B to the Chamber Summons.

5. Having perused the averments in the Affidavit in Support of the Chamber Summons as well as the relief sought for, in my view, the relief sought for requires to be granted. Further, it is noted that the Consent Affidavits of the other legal heirs of the deceased which are dated 31st January, 2020 and 8th February, 2020 are filed and by which they have consented to the grant of relief sought for in the Chamber Summons and waiving service of citation and / or of the process to be served upon them and without justifying surety of their share coming out of the estate left by the deceased. Hence the following order:-

(i) The Chamber Summons is made absolute in terms of prayer clause (a).

(ii) Amendment shall be carried out within a period of three weeks from the date of this Order.

(iii) The Chamber Summons is disposed of in the above terms.

[R.I. CHAGLA J.]