

27-ia-2927-2021.doc

jsn

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

INTERIM APPLICATION NO.2927 OF 2021
IN
TESTAMENTARY PETITION NO.1860 OF 2019

Shobha Vijay Patankar

...Applicant /
Petitioner

Versus

Vijay Rukminikant Patankar

...Deceased

Mr. S.U. Lakdawala for the Applicant / Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 25TH FEBRUARY, 2022

ORDER :

1. Heard learned Advocate for the Applicant /
Petitioner.

2. By this Interim Application, the Applicant has
sought permission to amend the schedule I to the Petition as
per the schedule annexed at Exhibit B to the Interim
Application along with consequential amendments. The
Applicant has further sought permission to incorporate

particulars of shares / securities mentioned at Exhibit C to the Interim Application along with consequential amendments. A direction is also sought against Testamentary Department to accept the original Succession Certificate for amendment and extension of grant of Succession Certification.

3. It is stated in the Interim Application that, the Applicant who is the widow of the deceased had filed Petitioner for Succession Certificate, in respect of certain securities belonging to deceased Vijay Rukminikant Patankar. The grant of Succession Certificate was issued by this Court on 20th January, 2020.

4. The Applicant has stated that after issuance of the grant it was came to the knowledge of the Applicant that certain particulars of shares / securities had not been mentioned in the schedule to the Petition.

5. It is stated in paragraph 3 of the Interim Application that, the deceased left behind him surviving legal heirs mentioned in tabular form in paragraph 3 and which

include the Petitioner as widow of deceased, one married daughter and one son of the deceased. Consent Affidavits have been filed by other heirs of the deceased giving their free and full consent in favour of the Petitioner and prayed that extension of amendment of grant of Succession Certificate in respect of the said securities belonging to the deceased may be granted in favour of the Petitioner without service of any citation / notice upon them and without any surety being justified for their share in the estate left by the deceased. Accordingly, the relief has been sought in the Interim Application for amendment.

6. Having considered the submissions of the learned Advocate for the Applicant and perusing the averments in the Interim Application, a case is made out for grant of relief sought for in the Interim Application.

7. Hence the following order:-

(i) The Applicant is permitted to amend the schedule to the Petition for Succession Certificate in terms of the

schedule B to the Interim Application with consequential amendment.

(ii) The Applicant is permitted to delete serial Nos. 72 to 79 from the schedule to the original Petition along with the consequential amendment. The Applicant is permitted to incorporate the shares marked as Exhibit C to the said Interim Application along with consequential amendment. The amendment shall be carried out within a period of two weeks from today, i.e. on or before 11th March, 2022. Re-verification is dispensed with.

(iii) The office is directed to accept the original Succession Certificate for amendment and extension of grant of Succession Certificate.

(iv) The Interim Application is disposed of.

[R.I. CHAGLA J.]