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

**INTERIM APPLICATION NO.2920 OF 2021
IN
TESTAMENTARY PETITION NO.2865 OF 2019**

Anil Joseph Rodericks & Anr.

**...Applicants /
Petitioners**

And

Arnold Raymond Joseph Rodericks

...Deceased

Mr.S.U. Lakdawala for the Applicants / Petitioners.

CORAM : R.I. CHAGLA J.

DATE : 25TH FEBRUARY, 2022

ORDER :

1. Heard learned Advocate for the Applicants.
2. By this Interim Application Applicants are seeking permission to amend the Petitioner in terms of the schedule of amendment at Exhibit B to the Interim Application along with consequential amendments.
3. The Applicant has stated that the Applicant had

filed the Petition for Letters of Administration of the property and credits of the deceased Arnold Raymond Joseph Rodericks. The Applicants are son and daughter of the deceased. The grant of Letters of Administration was issued in favour of the Applicants / Petitioners. After issuance of the grant of Letters of Administration, it came to the knowledge of the Applicants that certain shares had not been mentioned in the schedule to the Petition and which shares is in the name of the deceased. The Applicants are only heirs of the deceased as stated in paragraph 3 of the Interim Application. Accordingly, the Interim Application has been taken out for amendment of the Schedule to the Petition and for acceptance of the original grant of Letters of Administration for amendment.

4. Having considered the submissions of the learned Advocate for the Applicants / Petitioners as well as perusing the averments in the Interim Application, a case is made out for grant of relief sought for in the Interim Application. It is further noted that the Applicants are only heirs of the deceased and hence there is no question of consent required in the present case. Hence the following order:-

(i) The Petitioners are permitted to amend the Petition as per the schedule of amendment as mentioned in Exhibit B of the Interim Application along with consequential amendments within a period of two weeks from today, i.e. on or before 11th March, 2022. Re-verification is dispensed with.

(ii) The Testamentary Department to accept the original grant of Letters of Administration for amendment.

(iii) The Interim Application is disposed of in the above terms. There shall be no order as to costs.

[R.I. CHAGLA J.]