

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

**INTERIM APPLICATION NO. 224 OF 2022
IN
TESTAMENTARY PETITION NO. 1180 OF 2021**

Taramati Gunvantrai Sheth ... Applicant/Petitioner

And

Gunvantrai Mohanlal Sheth ... Deceased

Mr. Abrar Ahmad N.R. Chaudhary for the Applicant/Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 11th MARCH, 2022

ORDER :

1 Heard the learned Counsel appearing for the
Applicant/Original Petitioner.

2 By this Interim Application the Applicant is seeking
permission to amend the schedule-I of the Petition No.1180 of 2021 as
per Exhibit-C annexed to the Interim Application. Further direction is
sought against the Prothonotary and Senior Master to accept the original
grant of letters of Administration for amendment.

3 The Applicant had filed the Petition for letters of administration to the property and credits of the deceased Gunvantrai Mohanlal Sheth who had expired at Mumbai. The letters of administration was granted by this Court on 31.08.2021.

4 The Applicant has stated that after grant of letters of administration, it was brought to the notice of the Applicant/Original Petitioner that the property being piece and parcel of agricultural dry land comprising Survey No.114/3, Agricultural Land No.376 to an extent of 10.5 guntas, out of 1.13 acres, situated at S. Nagenahalli, Tubagere Hobli, Doddaballapur Taluka, Bangalore Rural District, Karnataka state, had not been included in Schedule I to the Original Petition. Accordingly the Interim Application has been taken out for amendment of the Schedule-I of the original Petition and also grant of letters of administration for amendment.

5 Having considered the submission of the learned Counsel for the Applicant/Original Petitioner and the averments in the Interim Application, a case is made out for grant of relief sought for by the Applicant. The other legal heirs of the deceased has filed consent affidavit consenting to the amended grant of letters of administration in favour of the Applicant/Original Petitioner without service of any

citation/notice upon him and without any surety being justified for his share in the estate left by the deceased.

6 Hence, the following order :

i) The Applicant/Original Petitioner is permitted to amend the schedule I of the original Petition as per Exhibit-C to the Interim Application.

ii) Amendment shall be carried out within a period of two weeks from today i.e. on or before 25.03.2022.

iii) The Prothonotary and Senior Master is directed to accept the original grant of letters of administration for amendment.

iv) Interim Application is disposed of in the above terms.

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.03.16
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(R.I. CHAGLA, J.)