K.S. Jadhav

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

INTERIM APPLICATION NO. 1872 OF 2019

IN

TESTAMENTARY PETITION NO. 507 of 2018

Snehalata Ashoka Prasad ...**Applicant/ Petitioner**

And

Ashoka Prasad ...**Deceased**

Mr. R.M. Pande i/b R. M. Pande & Co., Advocate for the Applicant/Petitioner.

CORAM : R.I. CHAGLA J

DATE : 17th October, 2022.

ORDER :

1. Heard learned Advocate appearing for the Applicant/Petitioner. By this Interim Application, the Applicant is seeking amendment to Schedule-1 of the Petition in accordance with the Exhibit B to the Interim Application. Further, amendment is sought in the details of the shares which has not been mentioned in the Schedule of amendment at Exhibit B, and which is tendered as a separate statement, taken on record and marked '**X**' for identification.

2. The applicant has stated that on 25th February, 2019, Succession Certificate was granted by this Court in respect of the debts and securities of the deceased. Thereafter, the applicant on 05th May, 2019 had learnt about the mistakes in the Distinctive Nos. of shares in the deceased's debts and securities mentioned in Schedule, which was consequentially not reflected in the grant of Succession Certificate. Further, the Share Certificate Nos. are required to be incorporated in the Schedule to the Petition and grant of Succession Certificate. Accordingly, the present Interim application has been taken out.

3. I have considered the averments in the Interim Application and changes to be made both in respect of the errors in the Distinctive Nos. of shares which are mentioned in the Schedule-1, Securities Description at Exhibit B to the Interim Application as well as non inclusion of the Share Certificate Nos. in Schedule-1, the details of correct shares have been tendered and taken on record and marked 'X' for identification. Accordingly, the relief sought for in the Interim Application requires to be granted. Hence, the following order :

i) The applicant is permitted to amend the Schedule-1 to the Petition in accordance with Schedule-I, Securities Description at Exhibit-B to the Interim Application and statement of correct shares marked 'X'.

iii) The office is directed to grant the Applicant an extended certificate for collection of debts and securities with interest thereon mentioned in the amended Schedule.

iii) The amendment shall be carried out by the Applicant within a period of two weeks from the date of this order.

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

[R.I. CHAGLA J.]