

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.961 OF 2023
IN
TESTAMENTARY PETITION NO.1773 OF 2022**

Jehalam Charudatt Joshi ... Applicant

In the matter between :-

Jayant Ramchandra Joshi ... Deceased

Charudatt Jayant Joshi ... Petitioner

Mr. Harihar Bhavé a/w Ms. Rupa Bhavé and Ms. Divya Menon for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 28TH FEBRUARY 2023

P.C. :

1. The present Interim Application has been filed essentially seeking conversion of Testamentary Petition No.1773 of 2022, which was filed for issuance of Probate of the last Will and Testament of one Jayant Ramchandra Joshi into a Testamentary Petition for Letters of Administration alongwith copy of the Will annexed.

2. The reasons for seeking this conversion are that one of the executors, viz., Charudatt Jayant Joshi was passed away and the other executor viz. Dr. Arun Bahulikar has now filed an Affidavit renouncing his rights as an executor. It is in these circumstances that the reliefs for conversion have been sought for.

3. I have heard learned Counsel appearing on behalf of the Applicant, perused the Interim Application and find that insofar as the relief for conversion is concerned, the same is required to be allowed. The Interim Application is therefore allowed in terms of prayer clause (d), which reads as follows :-

“d) This Hon’ble Court be pleased to allow the Applicant to convert the present Probate Petition to Letter of Administration with Will as per the provisions of law by replacing a fresh Petition of Letter of Administration with Will with the earlier Probate Petition.”

4. The office to proceed accordingly.

5. It is made clear that the Affidavits of the attesting witnesses and the other beneficiaries consenting to the grant, which are already on record, shall be treated as a part of the proceedings in the converted Petition.

6. The Applicant is at liberty to bring on record the legal heirs of the deceased executor Charudatt Jayant Joshi.

(ARIF S. DOCTOR, J.)