

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 1062 OF 2023
IN
TESTAMENTARY PETITION NO. 470 OF 2020**

Neelam Dharmesh Patel ... Applicant/Petitioner No.2

In the matter between:

Bipinchandra Nagindas Patel ... Deceased

Balubhai Muljibhai Sardhara and another ... Petitioners

Ms. Riya Hotchandani, i/b. Juris Corp for applicant/petitioner No.2.

**CORAM : MANISH PITALE, J.
DATE : 06th DECEMBER, 2023**

P.C. :

. Heard learned counsel for the applicant/petitioner No.2. By this application, the applicant is seeking post-grant amendment of probate, which was issued on 29.09.2021.

2. It is submitted that subsequent thereto, on 17.10.2021, the original petitioner No.1 expired. In that context, deletion of name of the original petitioner No.1 is sought by way of this application.

3. Apart from this, it is submitted in the application that inadvertently, the address pertaining to a residential unit in Hiranandani Powai, Mumbai, was wrongly stated as “201” instead of “301” in the schedule of assets annexed to the original petition, on the basis of which probate was granted. The said inadvertent error also needs to be corrected.

4. It is further submitted in the application that due to error on the part of the petitioners, certain shares were not specifically included in the schedule of assets with the original petition and such missing shares also need to be added in the grant.

5. This Court has considered the statements made in the application and the proposed schedule of amendment as per Exhibit D to the application.

6. In the light of the subsequent events and the statements made in the application, the same is allowed in the interest of justice.

7. The application stands allowed in terms of prayer clauses (b) and (c), which read as follows:

“(b) This Hon'ble Court may be pleased to permit the Applicant to carry out amendments in the Petition and the Schedule of property of the deceased (Schedule No. I) annexed to the Petition, along with consequential amendments, as set out in Schedule of Amendment to this Application (Exhibit - "D");

(c) This Hon'ble Court may be pleased to direct the office of this Hon'ble Court to amend and reissue the Probate in favour of Applicant;”

8. Re-verification is dispensed with.

(MANISH PITALE, J.)

Priya Kambli