

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.1804 OF 2022
IN
PETITION NO.3076 OF 2019**

Trevor Joseph Dmello

... Applicant/
Org. Petitioner

In the matter between :-

Donavien Joseph Dmello alias Donavien J. D'mello

... Deceased

Trevor Joseph Dmello

... Petitioner

Ms. Mohini Thorat i/by Ajay Nakar for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 20TH JANUARY 2023

P.C. :

1. The present Interim Application has been filed seeking the amendments in the Schedule of debts at Serial Nos.13 and 14 of the final Succession Certificate, in respect of certain debts belonging to one Donavien Joseph Dmello alias Donavien J. D'mello ('the deceased'), which was issued to the Applicant on 13/08/2020.

2. The learned Counsel appearing on behalf of the Applicant submits that in the Schedule of the debts at Serial Nos.13 and 14, the amount in respect of both the insurance policies has been stated incorrectly. Learned Counsel submits that the Applicant became aware about this only when the Applicant was informed of the same by LIC vide its letters, which are annexed to the Interim Application. It is thus that the amendments to the Schedule of debts of the Succession Certificate is sought for.

3. I have heard learned Counsel as also considered the averments made in the said Interim Application. I find that the said Interim Application requires to be allowed in the interest of justice. The Interim Application is therefore allowed in terms of prayer clause (a), which reads as under :-

"a. That this Hon'ble Court may be pleased to allow the Applicant to carry out the necessary amendments in the said petition and Succession Certificate viz- The correct figure of the LIC Policy number 925830800 for basic sum Assured is Rs.15,10,000/- (Fifteen Lakh Ten Thousand only) & Accident Benefit is Rs.12,50,000/- (Twelve Lakh Fifty thousand) and another LIC Policy number 880754368 is Rs.12,65,000/- (Twelve Lakhs Sixty-Five Thousand only) being item at serial number 13 and 14 of the final Succession certificate dated 13-08-2021 issued by this Hon'ble Court."

4. Liberty is also granted to correct the total amount of debts as mentioned in the Schedule.

5. The Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)