

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 1202 OF 2022
IN
TESTAMENTARY PETITION NO. 1782 OF 2012**

Parpati Dayaldas Dadlani

...Deceased

Uttam Dayaldas Dadlani

...Applicant/Petitioner

Mr. Priyanshu Khatri i/b. D. M. Harish & Co. for the Applicant/ Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 09th JANUARY, 2023

P.C. :

1. The present Interim Application has been filed for seeking a post grant amendments to the Schedule-I of Testamentary Petition No. 1782 of 2012.
2. The learned Counsel appearing of behalf of the Applicant/Petitioner states that the letters of administration were granted on 27th February, 2014 and post the grant of the same, the Applicant/Petitioners became aware of certain errors in the original Schedule.
3. By an order dated 2nd December, 2022 the Court had found that the Interim Application was silent on the aspect of delay and there was no explanation for the delay of 2923 days. The Applicant/Petitioner has since, filed an affidavit dated 15th December, 2022 wherein, they have explained in

Paragraph Nos. 6, 7 and 8 as to why the delay of 2923 days took place.

Paragraph Nos. 7, 8 and 9 read as under:-

6. *That the Petitioner/Applicant states that he was unaware of the above mentioned errors in the previous Schedule-I annexed to the captioned Petition, after the above Grant was received in February 2014 until December, 2021.*
7. *That there has been an inordinate long delay of 2923 days in filling in Interim Application by the Petitioner/ Applicant as the above errors in the previous Schedule-I came to the knowledge of the Petitioner/ Applicant only in December, 2021, when the Petitioner/Applicant was in the process of negotiating to sell the above said Property.*
8. *In December 2021, only after a through perusal of the Grant and the previous Schedule-I, did the Petitioner realize that there were errors in the previous Schedule-I and which required to be amended.*

4. I have heard Learned Counsel appearing on behalf of the applicants/petitioners and perused the copy of the Affidavit dated 15th December, 2022, and find that the same is in the order. The Interim Application deserves to be allowed in the interest of justice.

5. The Interim Application is therefor allowed in terms of Prayer Clauses (A) and (B) which reads as under:

“(A) that this Hon’ble Court be pleased to allow the Applicant/Petitioner to amend the previous Schedule-I annexed to the Petition (being the valuation of immovable property of the Deceased) such that the Share Certificate No.52 as wrongly mentioned in Schedule-I annexed hereto as Exhibit “B” be corrected to “Duplicate Share Certificate No.69”, the “600 sq.ft. (carpet) area” wrongly mentioned in Schedule-I annexed hereto as Exhibit “B” be corrected to 64.59 sq.mtrs (carpet) area”, the “2nd floor” wrongly mentioned in Schedule-I annexed hereto as Exhibit “B” be corrected to “4th Floor”, and accordingly order and direct the Prothonotary and Senior Master, High Court, Bombay to amend the Schedule-I annexed to the Original Grant dated 27th February 2014.”

(B) That 2923 days delay in filing this Interim Application for amendment be please condoned.”

6. Amendment to be carried out within four weeks from today i.e. on or before 6th February, 2023. Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J)