

Sayali Upasani

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

**INTERIM APPLICATION NO-2770 OF 2022
IN
TESTAMENTARY PETITION NO-2194 OF 2021**

Aiyub Abbas Hoosenally ...Petitioner
Vs.
Farida Aiyub Hoosenally Alias Farida Hoosenally ...Respondent
(deceased)

Adv. Sonali Jadhav i/b Adv. Laxmi Vijay Mankar, for
Applicant/Petitioner.

CORAM:- N. J. JAMADAR, J.

DATED:- 9th FEBRUARY, 2023

PC:-

- 1) Heard the learned Counsel for the applicant.
- 2) This application is preferred seeking permission to amend the Testamentary Petition No. 2194 of 2021, Schedule thereto, total of Schedule and grant probate in accordance with the Schedule of Amendment (Exhibit-B) to the Petition and a direction to the Prothonotary and Senior Master to amend the grant of probate dated

14th February, 2022.

3) In the application, it is averred that inadvertently one of the properties Gat No. 73, admeasuring 76 R situated at Village Sogaon, Tal. Alibag, Dist. Raigad, was not included in the petition though the said property forms part of the property which was bequeathed by the testator under the will dated 14th November, 2016.

4) The learned Counsel for the applicant has invited the attention of the Court to paragraph No. 5 of the will of the Testator. The property bearing Gat No. 73 forms part of the bequeathed property.

5) The probate came to be granted as it was an uncontested petition.

6) In view of the averments in the application, the application stands allowed in terms of prayer Clause “a” and “b”.

7) Necessary amendment be carried out within a period of two weeks thereafter.

8) Prothonotary and Senior Master shall amend the probate dated 14th February, 2022, in accordance with the Schedule of Amendment (Exhibit B) appended to this application.

9) Personal appearance of the petitioner is dispensed with.

10) The application stands disposed.

[N. J. JAMADAR, J.]