

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.366 OF 2023
IN
TESTAMENTARY PETITION (L) NO.3465 OF 2020**

Amisha Bhaven Shah ... Applicant/Proposed Petitioner

Mahendra Khetsey Shah alias Munvar alias

Mahendra Shah ... Deceased

Bhaven Mahendra Shah ... Petitioner (Since deceased)

And

Amisha Bhaven Shah ... Proposed Petitioner

Mr. Bhalchandra G. Saraf for the Applicant/proposed Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 20TH FEBRUARY 2023

P.C. :

1. The Interim Application has been filed seeking deletion of the name of the Petitioner and implead the name of the Applicant/proposed Petitioner in place and stead of the deceased Petitioner.

2. Testamentary Petition (Lodging) No.3465 of 2020 has been filed for a Succession Certificate in respect of certain securities belonging to Mahendra Khetsey Shah alias Munvar alias Mahendra Shah ('the deceased').

The Petitioner in the said Petition, viz., Bhaven Mahendra Shah, has died on 12/12/2020 and thus the Applicant/proposed Petitioner has filed the present Interim Application seeking impleadment of her name in place and stead of the deceased Petitioner.

3. I have heard learned Counsel appearing on behalf of the Applicant/proposed Petitioner and perused the Interim Application. I find that the Interim Application is in order and deserves to be allowed in the interest of justice. Accordingly, the Interim Application is allowed in terms of prayer clause (a), which reads as under :-

“(a) That the applicant herein may be allowed to delete the name of the BHAVEN MAHENDRA SHAH from the title of the proceedings and the name of his legal heirs may be allowed to be incorporated herein and the amendment to the Petition may be allowed as per Exhibit-A of the present interim application”

5. Amendments to be carried within a period of two weeks from today.

6. The Interim Application is disposed of in terms of the above order.

(ARIF S. DOCTOR, J.)