

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

INTERIM APPLICATION NO. 2765 OF 2022
IN
TESTAMENTARY PETITION NO. 426 OF 2011

Raghunath Sitaram Surve

...Deceased

Varsha Subhash Manjrekar nee

Varsha Raghunath Surve & Anr.

...Applicants/Petitioner

- Mr. Prabhu Velar a/w Mr. Manoj Mane, for Applicants/Petitioners.

CORAM : MANISH PITALE, J.

DATE : 30th OCTOBER, 2023.

P. C. :

1. By this application, the Applicants (Original Petitioner Nos. 2 and 3) are seeking post grant amendment of Letters of Administration issued on 03rd December, 2011.

2. It is submitted that a particular property was inadvertently left out when the original testamentary petition was granted and therefore, the Applicants are constrained to move the present application. It is pointed out the said property was acquired by the Mumbai Metro Rail Corporation Ltd., for the Colaba-Bandra-Seepz Metro Line-3 project and the said Corporation has now agreed to give Permanent Alternate Accommodation.

3. It is further brought to the notice of this Court after the Letters of Administration were issued, the Petitioner No. 1 i.e. the widow of the deceased died intestate on 19th April, 2021. Copy of the

death certificate is also placed on record. It is further submitted that the remaining petitioners in the original petition i.e. the Applicants before this Court in the present application, being the daughter and son of the said original Petitioner No. 1, are the only surviving legal heirs.

4. In this backdrop, the present application has been moved. A prayer is also made for condoning the delay in moving the application for amendment.

5. Considering the peculiar facts and circumstances of the present case, delay is condoned. The application is allowed in terms of prayer causes (b) and (c), which read as follows :

“(b) That this Hon’ble Court be pleased to permit the Applicants / Petitioner Nos. 2 and 3, to amend the above petitioner as per the “Schedule of Amendment” annexed to Interim Application and thereafter office be directed to carry out necessary amendment in the Original Grant of Letters of Administration dated 03/12/2011.

“(c) That this Hon’ble Court be pleased to direct the Department to delete the name of the Petitioner No. 1 from original grant of Letters of Administration dated 03/12/2011.”

6. Accordingly, the schedule filed along with original testamentary petition shall be amended within three weeks from

today. Re-verification is dispensed with.

7. Consequent thereto amended Letters of Administration, shall be granted in favour of Applicants, as expeditiously as possible.

(MANISH PITALE, J.)