

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.3465 OF 2022
IN
TESTAMENTARY PETITION NO.1338 OF 2019**

Sarika Suresh Ahuja

... Applicant (Org. Petitioner)

In the matter between

Sarika Suresh Ahuja

... Petitioner

AND

Suresh Bhajandas Ahuja

... Deceased

Mr. Sagar Parab si/by Vigil Juris for the Applicant/Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE , 20TH FEBRUARY 2023

P.C. :

1. The present Interim Application seeks replacement of Schedule-I to Testamentary Petition No.1338 of 2019.

2. Learned Counsel appearing on behalf of the Applicant/Petitioner submits that due to oversight, the percentage of the share of the deceased in various properties mentioned in Schedule-I to Testamentary Petition No.1338 of 2019 was wrongly mentioned. Learned Counsel further states that the Applicant/Petitioner found out about the correct percentage of the shares of the deceased only after the grant of Letters of Administration, which was granted

by this Court on 14/01/2021. Since the amendments are extensive, it is thus the replacement of Schedule-I has been sought for.

3. The consent affidavit of the other legal heir is also annexed to the Interim application.

4. I have heard learned Counsel appearing on behalf of the Applicant/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/Petitioner be allowed to replace the existing Schedule-I in the Petition with the corrected schedule which is annexed hereto as Exhibit B.”

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.

7. Re-verification is not dispensed with.

(ARIF S. DOCTOR, J.)