



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

INTERIM APPLICATION NO. 3543 OF 2023
IN
TESTAMENTARY PETITION NO. 2992 OF 2022

Asha Kailas Vora

...Applicant

IN THE MATTER BETWEEN :

Suresh Vasantlal Vora

...Deceased

Kailas Vasantlal Vora

...Petitioner

- Ms. Sujata Babar, for Applicant.

CORAM : MANISH PITALE, J.

DATE : 06th NOVEMBER, 2023.

P. C. :

1. By this application, the Applicant is seeking amendment in peculiar circumstances.

2. The original petition was filed by the husband of the Applicant for grant of Letters of Administration, in respect of the deceased i.e. his own brother. The said deceased brother did not have any other legal heir, as he was a bachelor. He did not have any other brother or sister, other than the original petitioner in this petition. The parents had predeceased the said deceased.

3. In that light, by an order dated 15th February, 2023, the petition was granted and Letters of Administration were to be issued to the original petitioner.

4. Unfortunately before the grant could actually be issued, on 24th April, 2023, the original petitioner died. The Applicant is the widow of the original petitioner. It is specifically stated in the present application that the original petitioner left behind only the Applicant i.e. his widow, as they were issue less.

5. It is submitted that the Applicant herein deserves to be substituted as the Petitioner, for the reason that she is the sister-in-law of the deceased and as per the schedule to the Hindu Succession Act, 1956, entry (VI) in Class II thereof, she is the only legal heir of the original deceased.

6. In that light appropriate amendments are necessary in the petition, so that Letters of Administration can be issued in favour of the Applicant herein.

7. The draft amendment is at Exhibit "D" to the present application.

8. Having perused the entire material on record, this Court is convinced that the application deserves to be allowed. Accordingly, the application is allowed in terms of prayer clause (a), which reads as follows :

"(a) The Applicant i.e. Asha Kailas Vora be impleaded a Petitioner in place of her Husband i.e. Kailas

Vasantlla Vora (since deceased) in the above petition and to carryout amendment as per draft amendment as per Exhibit-D.”

9. The amendment be carried out within three weeks from today. Re-verification is dispensed with.
10. The department to proceed expeditiously thereafter.

(MANISH PITALE, J.)