

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.110 OF 2022
IN
NOTICE OF MOTION NO.131 OF 2018
IN
TESTAMENTARY PETITION NO.552 OF 2012**

Sarvojith Prabhu & Ors.

... Applicants

In the matter of :-

D. Prabhu @ Desmond Dcosta Prabhu

... Original Petitioner

Ms. Shaba N. Khan i/by Govilkar & Associates LLP for the Applicants.

CORAM : ARIF S. DOCTOR, J.

DATE : 23RD JANUARY 2023

P.C. :

1. The present Interim Application is filed seeking to bring on record the legal heirs of one D. Prabhu @ Desmond Dcosta Prabhu, who was the sole legatee/beneficiary under the Will of the deceased, i.e., one R. F. Saldanha.

2. Testamentary Petition No.552 of 2012 has been filed for probate of the Will of R. F. Saldanha and was filed by D. Prabhu @ Desmond Dcosta Prabhu. However, since he has passed away, the present Interim Application has been taken out to bring on record the legal heirs of the sole legatee/beneficiary D. Prabhu @ Desmond Dcosta Prabhu, to enable them to prosecute

Notice of Motion No.131 of 2018, which is filed for restoration of Testamentary Petition No.552 of 2012.

3. I have heard learned Counsel appearing on behalf of the Applicants, perused the Interim Application and find that the same is in order. There is no impediment in granting the reliefs sought for. The Interim Application is therefore allowed in terms of prayer clauses (a) and (b), which read as under :-

“(a) That the delay of 76 days in approaching this Hon’ble Court and filing this Application be kindly condoned.

(b) The Applicants be brought on record as the Petitioner Nos.1(a), 1(b) and 1(c) respectively in place of the deceased original Petitioner in the Notice of Motion No.131 of 2018 and after having been impleaded, they be permitted to carry out consequential amendments to the Notice of Motion.”

4. Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)