

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

INTERIM APPLICATION NO. 5304 OF 2022

IN

TESTAMENTARY SUIT NO. 23 OF 2002

Kiran Chandrarao Kadam and Ors ...Applicants

In the matter of

Mr. Jaswantraai Premji Vora ...Petitioner/Plaintiff

Vs.

Smt. Naina M. Ankhad ...Defendant

Mr. Tushar Hathiramani a/w. Ms. Namrata Parikh i/b. M/s. Mulla & Mulla & Craigie Blunt & Caroe for the Applicants.

Mr. Naresh Ratnani i/b. Adv. Ashwin Ankhad and Associates for Defendant.

CORAM : ARIF S. DOCTOR, J.

DATE : 9th FEBRUARY, 2023

P.C. :

1. Testamentary Petition No 754 of 2001 has been filed for probate of the last Will and Testament in respect of one Chandrarao Ganpatrao Kadam (the deceased).

2. The present Interim Application has been filed seeking to convert the said Testamentary Petition into a Petition for Letters of Administration with a copy of

the Will annexed.

3. Learned Counsel appearing on behalf of the Plaintiff submits that all the three named executors under the Will have passed away and it is thus that the present Application has been filed.

4. He submits that the Applicant's are the legal heirs of the deceased being son, wife and grand daughter of the deceased. He submits that the Applicant's being legal heir and legatees are also entitled in law to Letters of Administration in respect of the estate of the deceased.

5. Learned Counsel for the Defendant does not oppose the present Interim Application.

6. I have heard learned Counsel and perused the copy of the Interim Application and I find that the same is in order and deserves to be allowed.

7. Interim Application is therefore allowed in terms of prayer clause (a), (b) and (c) which read as under:

"a. That this Hon'ble Court be pleased to permit the conversion of the above Testamentary Petition for grant of Probate of the said Will into grant of Letters of Administration with the said Will annexed thereto.

b. That this Hon'ble Court, be pleased to allow the present interim application thereby substituting the present Applicants as joint administrators to administer the estate of the deceased as per the last Will and Testament dated 23rd December 1990 and the

Codicil dated 13th May, 1993 respectively.

c. That this Hon'ble Court be pleased to further allow all the amendments, incidental and consequential to the present interim application as per the Schedule along with its annexures/exhibits annexed hereto."

8. Interim Application is accordingly disposed of in terms of the above order.

(ARIF S. DOCTOR, J)