

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

INTERIM APPLICATION NO. 5302 OF 2022

IN

PETITION NO. 2612 OF 2022

Shailesh A. Jhaveri

...Applicant

Amarchand Ratanchand Jhaveri

...Deceased

Mr. Prakash Gangwani a/w. Mr. B. G. Saraf and Ms. Samiksha Gopale for
Applicant/Org. Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 24th March, 2023

P.C. :

1. The present Interim Application has been filed seeking direction qua Respondent No. 3 – Company to provide entitlement letter in favour of the Petitioner and/or Administrator’s Account in respect of the shares lying in Respondent No.3– Company, the details of which are set out in the letter dated 3rd April, 2008.

2. Learned Counsel appearing on behalf of the Petitioner has submitted that in view of certain claims made by Respondent No.1, the Shares belonging to the deceased came to be deposited with the Prothonotary and Senior Master in Suit No. 2893 of 1987 which was filed by the Respondent No.1 against the deceased.

3. Learned Counsel has invited my attention to an order dated 5th June, 2008 (A.P. Deshpande J.) by which the said suit has been dismissed. He therefore, submits that in view of the dismissal of the said Suit, the claim of Respondent No.1 in respect of the said shares came to an end.

4. Learned Counsel submits that Respondent No.1 has expired and therefore today he tenders a draft amendment seeking to array the legal heirs of Respondent No.1 as party Respondents. He seeks leave to carry out the amendments.

5. The Schedule of amendment is taken on record and marked 'X' for identification. Leave as prayed for is granted. Amendments to the Testamentary Petition to be carried out within a period of two weeks.

6. However, re-verification is not dispensed with.

7. Learned Counsel also tenders Consent Affidavits of all the legal heirs of Respondent No.1 by which they have stated that they would not have any objection to the present Interim Application being allowed as prayed for. The Consent Affidavits are taken on record.

8. In view of this I find that there is no impediment in granting the Interim Application.

9. Present Interim Application is therefore allowed in terms of prayer

Clause(a) which reads as under :-

“a. This Hon’ble Court may be pleased to order and direct and/o pass an appropriate Order directing the Respondent No.3 Company to provide entitlement Letter in favour of the Petitioner and/or Administrator’s Account in respect of the subject shares and more particularly stated in Exhibit_E hereto of the present interim application and for the smooth administration of the estate of the deceased direct the Prothonotary and Senior Master to transfer the shares/stock deposited in suit No.2893/1990 to the executor’s / Petitioner’s account”.

10. The Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)