

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.16 OF 2023
IN
TESTAMENTARY PETITION NO.1364 OF 2018**

Ramesh Shankar Bombatkar

... Applicant

In the matter between :

Shinde Bhikaji Barake alias Bhikaji Barke Shinde

alias B. B. Barke alias Bhikaji Bala Barke alias

Bhikaji Bala Barke Shinde

... Deceased

Ramesh Shankar Bombatkar

... Applicant

Advocate Y. S. Singh i/by Waquar Ahmad for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 13TH FEBRUARY 2023

P.C. :

1. The present Interim Application seeks two reliefs, viz., (i) for the amendments as also consequential amendments to the Schedule to Testamentary Petition No.1364 of 2018 and (ii) for permission to sell the property being Flat No.2205, F-Wing, (300.00 sq. ft.) in a new reconstructed building known as Haji Kasam Chawl, Mahadev Palav Marg, Dr. B. A. Road and Curry Road, Parel (East), Mumbai 400 012.

2. I am not inclined to grant prayer clause (c), for which the Applicant would have to take out appropriate proceedings.

3. Insofar as the prayer clauses (a) and (b) is concerned, I have heard learned Counsel, perused the Interim Application and find that the amendment to the Schedule of assets can be permitted for the reasons set out in the Interim Application.

4. The Interim Application is therefore allowed in terms of prayer clauses (a) and (b), which read as under :-

“a) This Hon’ble Court be pleased to grant permission to the Applicant/Original Petitioner be permitted to carry out amendment in the Schedule annexed hereto as Exhibit ‘C’;

b) This Hon’ble Court be pleased to grant permission to the Applicant/Original Petitioner be permitted to carry out the consequential amendments in the schedule of the Petition as per Exhibit ‘C’ annexed hereto.”

5. The Interim Application is thus disposed of in terms of the above order.

(ARIF S. DOCTOR, J.)