

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.322 OF 2019
IN
PETITION NO.842 OF 2017**

Hormaz Erach Mehta & Anr. ... Applicants

And

In the matter between

Neville Erach Mehta ... Deceased

Hormaz Erach Mehta & Anr. ... Petitioners

Ms. Shriya Mehta i/by Mulla & Mulla and Craigie Blunt & Caroe for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH FEBRUARY 2023

P.C. :

1. The present Interim Application seeks an amendment to the Schedule I of Testamentary Petition No.842 of 2017. The amendment which is sought for is to include Sr. No.20A to the Schedule of Property of Testamentary Petition No.842 of 2017, which is more particularly described and annexed as Exhibit "B" to the Interim Application.

2. Learned Counsel appearing on behalf of the Applicant points out that at the time when Schedule I was prepared, the Applicant was not aware of the existence of this property and thus the same was not mentioned in the Schedule I as originally filed. It was only after the grant of Probate, the Applicant became aware of the existence of the property and therefore sought to include the same in the Schedule I by way of the present Interim Application.

3. I have heard learned Counsel appearing on behalf of the Applicant and perused the Interim Application. I find that the same is in order and deserves to be allowed in the interest of justice. Therefore, Interim Application is allowed in terms of prayer clause (a), which reads as under :-

“(a) This Hon’ble Court may be pleased to allow the Applicants to carry out the amendment in Schedule I of the above Petition, and by adding as Sr. No.20A as per the Schedule of Property annexed hereto and marked as Exhibit “B” to the Interim Application;”

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

(ARIF S. DOCTOR, J.)