

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.636 OF 2023
IN
PETITION NO.158 OF 2022

Cecil Gerard D'Souza : Applicant/Petitioner

In the matter of

Joseph Peter D'Souza : Deceased

Mr. Cecil Gerard D'Souza and anr. : Petitioners.

Ms. Karen Koya i/by Mr. Denzil D'Mello for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 10th APRIL 2023

P.C. :

1 The present Interim Application seeks an amendment to Testamentary Petition No.158 of 2022 filed for probate of the last Will and Testament of one Joseph Peter D'Souza who passed away on 30th October 2021 leaving behind a writing dated 9th July 2015 said to be his Last Will and Testament.

2 Learned Counsel appearing on behalf of the Applicant submits that after filing of the present Testamentary Petition, the Applicant/Petitioner

has become aware aware of two Annuities to which the deceased was entitled to and thus seeks to amend the Schedule-I by including the same.

3 I have heard the Learned Counsel for the Applicant, perused the Interim Application and find that the same is in order and deserves to be allowed in the interest of justice and for completeness of grant of probate.

4 In view thereof, the present Interim Application is allowed in terms of prayer clauses (a), (b) and (c) which reads a under :-

- “(a) That this Hon’ble Court be pleased to allow the Petitioners to amend Schedule No.I annexed to the captioned Petition marked as Exhibit-C, by adding two moveable assets and to carry out consequential amendments as per the Schedule annexed hereto;*
- (b) That this Hon’ble Court be pleased to allow the Petitioners to amend the Total amount and the Net Total after deduction of Rs.2,500/- mentioned in the Schedule-I annexed to the captioned Petition as per the Schedule annexed hereto;*
- (c) That this Hon’ble Court be pleased to allow the Petitioners to amend the amount mentioned at paragraph No.9 in the Petition as per the Schedule annexed hereto.*

5 The Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)