

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

INTERIM APPLICATION NO. 2632 OF 2022
IN
TESTAMENTARY PETITION NO. 1859 OF 2017

Heena Chander Goklani & Ors.

...Applicants

IN THE MATTER BETWEEN :

Kalawanti Chellaram Goklani (Since deceased)

...Petitioner

Versus

Mala Somanath Chawala

...Respondent

* * *

- Mr. Vijay Badgujar i/b S.U. Lakdawala and S.P. Kanuga, for Applicant / Petitioner.

* * *

CORAM : MANISH PITALE, J.

DATE : 21st FEBRUARY, 2024.

P. C. :

1. By this application, the applicants are seeking amendment of the petition, in the light of death of the original petitioner in the probate petition. Copy of the death certificate of the original petitioner is annexed at Exhibit "D".

2. The original petitioner was the sole executor of the subject Will.

3. The applicants are the beneficiaries under the said Will and hence they seek to be added as petitioners in the petition while deleting the name of the original petitioner and they further seek appropriate amendments to convert the probate petition into a

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petition for grant of Letters of Administration with Will annexed. The proposed amendments are filed at Exhibit "G" to the present application.

4. This Court is convinced that in the interest of justice, the amendment deserves to be granted.

5. Accordingly, the application is allowed in terms of prayer clauses (a) to (c), which read as follows :

- "a. That delay 391 days in the filing of the application be condoned.*
- b. That the Applicants be substituted in place of the Petitioner at all places in the Petition.*
- c. That the applicants be at liberty to amend the title, proceedings in terms of the amendments mentioned in the schedule of amendments annexed hereto along with all consequential amendments."*

6. The amendment be carried out within three weeks from today.

(MANISH PITALE, J.)