

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.1059 OF 2024

IN
TESTAMENTARY PETITION NO.1576 OF 2018

Sujata Sudarshan Shetty and another ... Applicants

Govind Anappa Shetty ... Deceased

Mr. Vineet A. Saraf for Applicants.

CORAM : MANISH PITALE, J.
DATE : APRIL 23, 2024

P.C. :

. Heard learned counsel for the applicants / petitioners.

2. By this application, the applicants are seeking post grant amendment of probate issued on 16.02.2021. It is submitted that although the Schedule to the original grant specifies properties beyond the State of Maharashtra, inadvertently, the prayer in the original petition stated that the probate may be granted having effect throughout the State of Maharashtra. Therefore, the applicants are constrained to approach this Court to correct the error made in the prayer clause and delete the words 'State of Maharashtra'. The applicants also seek addition of the words 'all over India' in the prayer of the original petition.

3. Considering the statements made in the application and having perused the Schedule annexed to the original probate petition, this Court is convinced that the application deserves to be granted. Accordingly, the application is allowed in terms of prayer clause (a), which reads as follows:-

“(a) That this Hon’ble Court be pleased to allow the Applicants (Orig. Petitioner) to amend the Petition as per the draft schedule of amendment annexed at Exhibit-B, hereto and further direct the Prothonotary & Senior Master of this Hon’ble Court to issue amended grant of Probate.”

4. The amendment be carried out within two weeks from today.
5. Re-verification is dispensed with.
6. The department to take consequential steps in the matter.

(MANISH PITALE, J.)

Minal Parab