

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

TESTAMENTARY PETITION NO. 4517 OF 2022

Saumilya Kumudchandra Shah and
Kumudchandra B. Shah alias
Kumarchandra Bhagwandas Shah ...Deceased

Suchita Saumilya Shah ...Petitioner

**WITH
TESTAMENTARY PETITION NO. 4522 OF 2022
WITH
INTERIM APPLICATION (LODGING) NO. 36341 OF 2023
IN
TESTAMENTARY PETITION NO. 4522 OF 2022**

SHRIKANT
SHRINIVAS
MALANI

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SHRIKANT
SHRINIVAS MALANI
Date: 2024.02.26
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Kumudchandra Bhagwandas Shah and
Nirupama Kumudchandra Shah ...Deceased

Shrut Kumar Kumudchandra Shah ...Petitioner

* * *

- Ms. Sonali Pawar a/w Ms. Pushpa Thapa i/b Datta H. Pawar, for
Applicant / Petitioner

* * *

CORAM : MANISH PITALE, J.

DATE : 23rd FEBRUARY, 2024.

P. C. :

INTERIM APPLICATION (LODGING) NO. 36341 OF 2023

1. Heard learned counsel for the applicant / petitioner.
2. By this application, the applicant / petitioner is seeking post grant amendment of succession certificate issued on 01st September, 2023.
3. It is submitted that subsequent to issuance of the succession certificate, it was realized that there were certain errors in the Folio numbers mentioned in the schedule to the original

petition. In that light, amendment is sought in terms of schedule at Exhibit "B" to the application.

3. In the interest of justice, the application deserves to be allowed, so that appropriate amendment can be carried out.

4. The Application is consequently allowed in terms of prayer clauses (A), (B) and (C), which read as follows :

- "A. That this Hon'ble Court be pleased to allow to amend the schedule of shares as per the schedule of amendment annexed hereto as Exhibit-B and further allow the Applicant / petitioner to amend the petition and further to carry out a consequential amendment in the above petition.*
- B. That this Hon'ble Court be pleased to direct the Ld. Officer at Testamentary Department to allow us to carry out necessary amendments in the Schedule.*
- C. That this Hon'ble Court be pleased to direct the Ld. Officer at Testamentary Department to furnish the amended copy of the grant dated 07.09.2023."*

5. The amendment be carried out within two weeks from today. Re-verification is dispensed with.

TESTAMENTARY PETITION NO. 4517 OF 2022

1. This petition filed for grant of succession certificate was allowed by an order dated 26th April, 2023. But, before the succession certificate could be actually issued, on 05th December, 2023, the

Testamentary Registrar referred to Testamentary Petition No. 4522 of 2022, filed by the brother-in-law of the petitioner. It appears that some confusion arose in the light of the fact that two testamentary petitions were filed for grant of succession certificates pertaining to the deceased husband and deceased father-in-law of the petitioner herein.

2. Testamentary Petition No. 4522 of 2022, was filed by brother-in-law of the petitioner herein i.e. Mr. Shrut Shah, for grant of succession certificate in respect of securities jointly held by his parents i.e. Nirupama Shah and Kumudchandra Shah.

3. The present petition has been filed by the petitioner i.e. Suchita Shah, who is wife of the deceased brother of the said Shrut Shah and she is seeking issuance of succession certificate in respect of the securities jointly held by her deceased husband Saumilya Shah and her deceased father-in-law i.e. Kumudchandra Shah.

4. The affidavit filed on behalf of the petitioner in that regard places on record the family tree, which this Court has perused.

5. Considering the facts brought to the notice of this Court, there can be no impediment in issuance of succession certificate in favour of the petitioner herein, as regards the securities jointly held by her deceased husband Saumilya Shah and her deceased father-in-

law Kumudchandra Shah.

6. Therefore, the department is directed to issue succession certificate at the earliest.

(MANISH PITALE, J.)