

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

INTERIM APPLICATION NO.3050 OF 2024
IN
TESTAMENTARY PETITION NO.784 OF 2021

VISHAL
SUBHASH
PAREKAR

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Date: 2024.11.14
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Rajesh Hirji Chheda ...Applicant

VS.

Bina Rajesh Chheda ...Deceased

Mr. Amey Sawant i/b. Mr. J.J. Thakkar, for the Applicant.

CORAM : N. J. JAMADAR, J.

DATE : NOVEMBER 13, 2024

P.C.:

1. Heard the learned counsel for the applicant.
2. At the outset, the learned counsel for the applicant seeks leave to amend the Schedule of Amendment (Exhibit B to the application) so as to correct the number of the flat proposed to be added by way of amendment from Flat No. 1201 to Flat No. 1202.
3. Leave granted.
4. Necessary amendment be carried out forthwith.
5. Re-verification dispensed with.
6. This application is preferred for post grant amendment in the Probate and last Will and Testament granted by an order dated 20th August, 2021. In the application it is averred that post grant, it was realized that two of the properties were not included in the Schedule of Properties (Schedule I) appended to the petition.

7. By an order dated 9th October, 2024, the petitioner was directed to file the additional affidavit to place on record the documents to substantiate the claim. The petitioner has filed additional affidavit. Copies of the agreement for sale in respect of Flat No. 1202 and share certificate issued by Induvilla Co-Operative Housing Limited, Mumbai in the name of the deceased are annexed to the additional affidavit. Copy of the RC book is also filed. The claim of the applicant for the amendment thus finds support in the additional affidavit and the documents annexed thereto. I do not find any impediment in allowing the application.

Hence, the following order.

ORDER

- 1] Interim Application stands allowed in terms of prayer clause (b).
- 2] Necessary amendment in the Schedule of Properties (Schedule I) be carried out in accordance with the Schedule of Amendment (Exhibit B) as amended pursuant to this order within a period of six weeks.
- 3] Post amendment grant expedited.

(N. J. JAMADAR, J.)