

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

INTERIM APPLICATION NO.1886 OF 2024
IN
TESTAMENTARY PETITION NO.224 OF 2008

VISHAL
SUBHASH
PAREKAR

Digitally signed by
VISHAL SUBHASH
PAREKAR

Date: 2024.10.03
18:27:39 +0530

Henilata Kulinkani Kenia

...Petitioner

VS.

Kulinkani Jadavji Kenia

...Respondent

Mr. Sameer Logde a/w. Mr. Shirish Mathkar, for the Petitioner

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 01, 2024

P.C.:

1. Heard the learned counsel for the petitioner.
2. This is an application for post grant amendment in the Letters of Administration to the property and credits of Kulinkant Jadavji Kenia (the deceased) granted by an order dated 19th July, 2010.
3. In the application, it is averred that post grant, some of the properties have been administered. However, one of the immovable property situated at Nariman Bhavan Premises Co.-Op. Hsg. Society Ltd., was incorrectly described as HUF property though the deceased had 1/5 th share in the said property. Likewise, 287 and 1148 equity shares of SRF Limited were not included in the original Schedule of Assets. It is, therefore, necessary to amend the petition and the grant.
4. The applicant has further asserted that the original Letters of

Administration dated 19th July, 2010 have inadvertently been misplaced by the applicant. The applicant could not locate the original grant despite diligent efforts. The applicant be thus permitted to amend the Letters of Administration on the basis of draft Letters of Administration available in the record and proceedings.

5. In support of the application, the applicant/petitioner has filed two additional affidavits. In the additional affidavit dated 21st August, 2024 the petitioner has made an endeavour to point out the circumstances under which the original Letters of Administration have been misplaced. A copy of the complaint lodged by the applicant with Matunga police station has been annexed to the said affidavit.

6. In the additional affidavit dated 4th September, 2024, the petitioner has made averments to substantiate the claim that the deceased was the joint owner of the property at Nariman Bhavan Premises Co.-Op. Hsg. Society Ltd. and was the holder of the shares of SRF Limited, which are sought to be included in the Schedule of Assets. The copies of the sale Agreement and a share certificate issued by Nariman Bhavan Premises Co.-Op. Hsg. Society Ltd. are annexed at Exhibits C and D. Likewise, copies of the communication received from SRF Limited are annexed at Exhibits F and G.

7. In view of the aforesaid documents, which substantiate the claim of the applicant, I do not find any impediment in allowing the application.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The petitioner/ applicant is permitted to amend the petition so as to amend the Schedule of Assets in accordance of Schedule of Amendment (Exhibit B) to the application.
- 3] Necessary amendment be carried out in the certified copy of the Letters of Administration.
- 4] Post amendment, grant expedited.

(N. J. JAMADAR, J.)