

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

**INTERIM APPLICATION NO. 2576 OF 2024
IN
TESTAMENTARY PETITION NO. 3087 OF 2022**

Sunil Brian D Monte ...Applicant

Versus

Dr. Brian Dominic D'Monte Alias

Brian D'Monte(deceased) ...Deceased

Adv. Deepal Thakkar for Applicant.

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CORAM : N. J. JAMADAR, J.
DATE : 26th SEPTEMBER 2024

PC.:

1. Heard the learned Counsel for the Petitioner.
2. This application is for post grant amendment in the Probate of the Last Will and Testament dated 17th April 2009 of Dr.Brian Dominic D'Monte, (the deceased) granted by an order dated 11th May 2023.
3. In the application it is averred that in the Schedule of Assets appended to the Petition and the Probate at serial No.5, it was inadvertently not mentioned that the deceased had 50% undivided shares, right, title and interest in the immovable property. It is, therefore, necessary to carry out the amendment

in the description of property at serial No.5 of the Schedule of Assets. The other heir namely, Sunita D'Monte, the married daughter of the deceased, has filed affidavit giving her consent for the proposed amendment.

4. The proposed amendment appears essentially in the nature of correction of inadvertent error in furnishing the description of an asset of the deceased. I do not find any impediment in granting the proposed amendment. Application stands allowed in terms of prayer clause (a) and (b).

5. Necessary amendment be carried out within a period of three weeks.

6. Post amendment grant expedited.

(N. J. JAMADAR, J.)