IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.19091 OF 2024

Vinita Ashok Ranadive and Ors. ... Petitioners

Mr. Akash Warang, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 2 JANUARY 2025

P.C.

1. Heard the learned Counsel for the Petitioners.

2. The challenge in this Petition to an order dated 16 August 2024 passed by the learned Civil Judge, Sr. Division, Thane in MANRJI Application No.16 of 2023, whereby the prayer of the Petitioners to amend the Schedule of Misc. Application No.1356 of 2021 so as to correct share certificate numbers of ICICI Bank enumerated at Sr. No.7 of the Schedule of securities, and, consequently, the Succession Certificate which came to be granted by an order dated 11 March 2022, came to be rejected.

3. Learned Counsel for the Petitioners submits that the Petitioners are the only heirs of Prabhakar Gopinath Pradhan and Nirmala Prabhakar Pradhan in respect of whose debts and securities Succession Certificate came to be granted by an order dated 11 March 2022, after publication of proclamation.

4. Learned Civil Judge has proceeded on the premise that, since the proclamation was published with incorrect share certificate numbers, now

there is no other go but to apply afresh for Succession Certificate in respect of those securities.

5. The proposed amendment is essentially in the nature of correction of an inadvertent mistake in mentioning the correct share certificate numbers. Under Section 376 of the Indian Succession Act, 1925, the District Judge has the power to extend the certificate to any debt or security not originally specified therein. Section 378 also empowers the District Judge to amend the certificate in respect of powers as to the securities. At any rate, the Court is not denuded of the general power to permit the amendment which is essentially in the nature of correction of a clerical error.

6. In the circumstances of the case, the Court can permit the Petitioners to amend the Schedule of Securities by incorporating the correct share certificate numbers of ICICI Bank, and, thereafter, issue amended Succession Certificate upon the Petitioners/Applicants tendering the original Succession Certificate. It would be wholly unwarranted to file a fresh application for succession certificate in respect of the very same securities.

7. Hence, the Petition stands allowed in terms of prayer clauses (c) and (d), which read as under :

> "(c) That this Hon'ble Court be pleased to issue a writ or an order in the nature of writ quashing and setting aside the impugned order dated 16/08/2024 as passed in Manrji Application No.16 of 2023;
>
> (d) That this Hon'ble Court be pleased to allow the prayers as

mentioned in Manrji Application No.16 of 2023 thereby allowing the amendment of the issued Succession Certificate.”

8. The Petitioners be permitted to amend the Schedule appended to the application for Succession Certificate.

9. Necessary amendment be carried out within a period of six weeks from the date of communication of this order.

10. Once the Schedule of the debts and securities (Schedule I) is amended, the Petitioners/Applicants shall tender the original Succession Certificate to the Court, and, thereupon, the Court shall issue Succession Certificate with the amended entry at Sr. No.7.

11. The Writ Petition accordingly stands disposed.

(N.J.JAMADAR, J.)