

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 610 OF 2024**

IN

SUIT NO. 686 OF 2019

Arun Kumar Keyal and others ... Applicants

Versus

Ajay Sohanlal Jhuria and others ... Respondents

.....

Mr. Farhan Dubhash alongwith Mr. Harshal Manek instructed by Res
Legal, Advocate for the Plaintiffs.

Mr. R.R. Yadav alongwith Mr. Shimpi, Advocate for Defendant No.1.

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CORAM : ABHAY AHUJA, J.

DATE : 26 MARCH 2025

PC. :

1. At the outset, Mr. Dubash, learned Counsel appearing for the Plaintiffs tenders across the bar draft amendment with respect to the addresses of the Plaintiff No.1 and the Respondent who are sought to be impleaded.
2. Mr. Shimpi, learned Counsel, appearing for Defendant No.1 has no objection if the draft amendment is allowed.
3. Let the amendment be carried out forthwith. Re-verification is dispensed with.

4. As regards Interim Application No.610 of 2024 is concerned, this Interim Application seeks amendment to the Plaint in terms of Schedule-I. The said amendment has been opposed by the Defendant No.1.

5. Mr. Shimpi, learned Counsel, appearing for Defendant No.1 submits that in view of Interim Application No.90 of 2025 seeking directions to the Plaintiffs to disclose the schedule of assets and in particular inventory of assets of the original Plaintiff No.3 as filed in Calcutta High Court in Probate Petition No.452 of 2018, the Interim Application seeking amendment is being opposed.

6. Mr. Dubash, learned Counsel, appearing for the Plaintiffs submits that the amendment is being sought in view of the Probate of Will dated 21st February 2017 by Hon'ble Calcutta High Court which was granted on 10th May 2019, and that there is no order reversing the same. Mr. Dubash would submit that the amendments sought are formal in nature.

7. I have perused the Application as well as the reply and I am of the view that the amendment is being sought in view of the Probate of the Will dated 21st February 2017 before the Hon'ble Calcutta High Court and is formal in nature. The reason that another Interim Application filed by the Defendant No.1 seeking directions to the

Plaintiffs to disclose the schedule of assets and particulars of inventory of the assets of the original Plaintiff No.3 filed in the Calcutta High Court in Probate Petition No. 452 of 2018, which has been disposed and in which probate has been granted and which has not been reversed, cannot come in the way of allowing this Interim Application.

8. Accordingly, this Interim Application which is essentially consequential to grant of Probate is allowed in terms of prayer clauses (i) and (ii), which read thus :

(i) The Plaintiffs be allowed to amend the
Plaint as per Schedule I annexed to the
Interim Application.

(ii) The Plaintiffs be allowed to carry out
consequential changes therein.

9. Let amendments be carried out within a period of three weeks.

10. Let the amended copy of the Plaint and proceedings be served on the other side within a period of two weeks thereafter.

11. Let the Defendants file additional written statement(s) within a period of three weeks after receipt of the copies of the amended Plaint and the proceedings.

12. The Interim Application is allowed and disposed as above.

(ABHAY AHUJA, J.)