

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 5087 OF 2024

Sunil Dutt S/o Dev Dutt

...Petitioner

Tara Dev Dutt

...Deceased

Adv. Drishti Israni i/by Auroma Law for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 11TH FEBRUARY, 2025

P.C.:-

1. Testamentary Registrar by an order dated 14th November, 2024 raised the following requisition:

"1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain debts and securities belonging to the deceased viz. Tara Dutt, who died at Mumbai on 16th April 2015. Copy of death certificate is annexed at Exhibit - 'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

Advocate for the petitioner is directed to carry out correction in the cause title of the petition by replacing the word "her" in place of word "his". Advocate for the petitioner will upload the corrected version and he will get it approved. Reverification is dispensed with.

2. Advocate for petitioner submits that the said deceased ordinarily resided at B 103/104, Skypan, Oberoi Complex, Link Road, Andheri (West), Mumbai 400 053, and/or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. Advocate for the petitioner is directed to verify averment at para no. 4 of the petition since the petition is for succession certificate and not for letters of Administration."

2. Learned Counsel points out that in paragraph 3, the Petitioner was directed to verify paragraph 4 of the Petition since in paragraph 4 there was reference to immovable properties. It is thus upon verification, Learned Counsel seeks leave to convert the captioned Testamentary Petition from a Petition for Succession Certificate to a Petition for Letters of Administration without a copy of the Will annexed.

3. Having heard Learned Counsel as also noting the requisitions that have been raised, I find that the Petitioner has shown sufficient cause to permit the Petition to be converted to a Petition for Letters of Administration without the Will. Petitioner is therefore granted leave to amend the Petition in the aforesaid terms.

(ARIF S. DOCTOR, J.)