

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.865 OF 2025
IN
TESTAMENTARY PETITION NO.1425 OF 2024**

Hutoxi Houshang Boman		Applicant
Hira Aspi Bhesania		Deceased

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Ms. Sneha Nair a/w Mr. Nutash Kotwal i/b Veritas Legal, for
Applicant/Original Petitioner.

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CORAM : ARIF S. DOCTOR, J.

DATE : 29th APRIL, 2025.

P.C.

1. This Court had vide an order dated 30th July 2024 granted a Probate to the Applicant in respect of the Last Will and Testament of one Hira Aspi Bhesania ("the deceased").

2. Learned Counsel appearing on behalf of the applicant points out that after issuance of grant, the applicant became aware that inadvertently immovable property belonged to the deceased was omitted to be mentioned in the schedule. It is thus present Interim Application has been filed seeking to amend the schedule to the Testamentary petition by adding the said property. This Court vide its order dated 1st April, 2025 directed the applicant to file an affidavit setting out how the applicant became aware of the fact that the deceased had said immovable property and the basis on

which it is claimed that the said property stood in the name of the deceased at the time of her death.

3. In compliance with the order, learned Counsel appearing on behalf of the applicant has today tendered an additional affidavit of the applicant which annexes to it an agreement for sale dated 5th June, 2008 executed between one M/s. Gini Constructions Company and deceased in respect of the said property which is sought to be added. However, perusal of the affidavit does not set out when the applicant became aware of this agreement for sale. It is stated across the bar that the applicant became aware in October, 2024. I find this is not mentioned in the additional affidavit. Since the directions contained in the order dated 1st April, 2025 have not been complied with fully, learned Counsel seeks time to file an additional affidavit in compliance.

4. In my view, the applicant has not complied with the previous order. It is necessary for the applicant first to do so before relief is granted. Hence, stand over to **9th June, 2025**.

[ARIF S. DOCTOR J.]