



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

INTERIM APPLICATION NO. 2655 OF 2025
IN
MISCELLANEOUS PETITION NO. 58 OF 2016

Rajiv Atul Jhaveri

...Applicant

In the matter between :

Ashok @ Ashwin Laxmishankar Pandya & Another

...Petitioners

Versus

Minaxi Jayant Shah and Others

...Respondents

WITH
INTERIM APPLICATION NO. 3516 OF 2025
IN
TESTAMENTARY SUIT NO. 129 OF 2016

Mr. Aurup Dasgupta, Ms. Prapti Bhadra i/b M/s. Jhangiani, Narula and Associates for Petitioner/Applicant.
Mr. Harjot Singh for Defendant (through VC).

Coram : Sharmila U. Deshmukh, J.

Date : 4th December, 2025.

P. C. :

Interim Application No. 2655 of 2025 :

1. Interim Application has been preferred seeking amendment of Miscellaneous Petition No. 58 of 2016 as both the Petitioners have expired and are required to be substituted by beneficiary under the Will and for condonation of delay and setting aside the abatement. Considering that the Petition is at pre-admission stage and nature of

amendment, the same is allowed.

2. Delay of 95 days is condoned and abatement is set aside for the reasons stated in the Application.
3. Amendment to the Miscellaneous Petition to be carried out within period of two weeks from today.
4. Stand over to **19th December, 2025.**

Interim Application No. 3516 of 2024 :

5. Interim Application has been preferred for amendment of Testamentary Suit as Executors who had filed the Petition have expired and therefore, the necessary amendments will have to be carried out for converting the Petition for probate to Petition for letters of administration with Will annexed. The Application has been filed by the beneficiary under the Will.
6. Learned counsel appearing for Respondent does not oppose the Application.
7. Considering the nature of amendment, Interim Application is allowed.
8. Amendment to be carried out as per the schedule of amendments at Exhibit-C within two weeks from today.
9. Stand over to **19th December, 2025.**

[Sharmila U. Deshmukh, J.]