

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 1122 OF 2025
IN
TESTAMENTARY PETITION NO. 2187 OF 2024**

Mithalal Manganlal Singhvi ...Applicant/Petitioner

Santokben Mithalal Singhvi ...Deceased

Ms Aparna Wagle i/b Mr. Waquar Ahmad for Applicant/Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATED : 9th MAY 2025

P.C. :

1 This court had vide order dated 16th August 2024 granted the applicant a letter of administration in respect of the properties and credits of one Santokben Mithalal Singhvi (the deceased). The Learned Counsel pointed out that initially the captioned interim application was moved and allowed by the Learned Additional Registrar by an order dated 8th April 2025. She submits that thereafter the said order was recalled vide order dated 2nd May 2025, which inter alia directed as follows.

"1. This Interim Application was placed before me under Rule 131 of the Bombay High Court High Court Original Side Rules, 1980, as the Testamentary Petition is a non-contested matter. Accordingly, by an order dated 8th April, 2025, the Interim Application was allowed and the Applicant / Petitioner was directed to carry out amendment as per the Schedule annexed to the Interim Application.

2. The Ld. Advocate for Applicant / Petitioner submits that the amendment has been carried out in the Testamentary Petition but the grant has not

been amended as the Interim Application is taken out for post grant amendment. It is informed by the Registry that the Interim Application for post grant amendment is required to be placed before the Hon'ble Court.

3. Section 261 of the Indian Succession Act, 1925, provides for what errors may be rectified by Court. Section 261 reads as under :

"261. What errors may be rectified by Court.- Errors in names and descriptions, or in setting forth the time and place of the deceased's death or the purpose in a limited grant, may be rectified by the Court and the grant of probate or letters of administration may be altered and amended accordingly."

4. Since, the Interim Application taken out by the Applicant for post grant amendment, the order dated 8th April, 2025 is recalled. Registry to place the Interim Application before the Hon'ble Court for directions."

2 It is thus the matter was on board before me. Having due regard to the averments made and having perused the schedule appended to the interim application, I am satisfied that the same deserved to be allowed and is therefore allowed in terms of prayer clause (a) which reads as under:

"(a) The Hon'ble Court be pleased to allow the Applicant to carry out the amendment as per Schedule I (Exhibit "B") to the Interim Application."

3 Interim application is accordingly disposed of.

(ARIF S. DOCTOR, J.)