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Before : Shri E. B. Sivakumar,
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

Date : 04th July, 2025

CALLED FOR DIRECTION:

12.IA(L)/10335/2025) **Mr. Rudra M. Dani i/b. Shukla and Associates, Advocate**
AMH20240131826C202500006) **for the Applicant / Petitioner.**
In)
TP/2990/2024)
)
) **P. C. :**
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) 1. By the present Interim Application, the Applicant
) prays to extend time for amendment of Testamentary
) Petition as granted by an order dated 17th April 2024 and
) 8th April 2024 and to accept the amendment carried out on
) 14th May 2024.
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) 2. Perused the Application and the additional
) affidavit in support of the Interim Application.
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) 3. Heard. The Ld. Advocates for the Applicant submits
) that on 27th March 2023, the Petitioner was allowed to
) remove office objection and to amend the Petition within a
) period of six weeks. He further submits that as the
) Petitioner was bedridden on account of her ill health and
) advanced age on account of her ill health, the amendment
) could not be carried out. Therefore, by an order dated 26th
) March 2024, time was extended for removal of office
) objections. He further submits that by an order dated 15th
) April 2024, it was directed to the Testamentary
) Department not to give effect of the order dated 26th
) March 2024. By an order dated 9th May 2024, the
) Petitioner was allowed to amend the petition. The ld.
) Advocate has further stated that since the Petitioner was
) not conversant with the English language, the Petition was
) required to be interpreted in Gujarati language and
) therefore, on 14th May 2024, the papers and proceedings of
) the Petition was produced before the Chief Translator and
) Interpreter for ..2/-

) : 2 :
) interpretation and the Petition was duly amended and
) office objections were complied with. He further submits
) that though the Petition was duly amended and redeclared
) before the Chief Translator and Interpreter, inadvertently
) the said amendment was remained to be duly stamped and
) signed by the Testamentary Department as required as per
) the procedure. He further submits that pursuant to the
) order dated 28th March 2023 along with order dated 17th
) April 2024, the Petitioner had already amended the
) Petition, complied with all office objections and also
) numbered on 24th June 2024. He prays that time be
) extended for carrying out the amendment as granted by an
) Order dated 27th March 2023 along with extension order
) dated 17th April 2024 and the Testamentary Department be
) directed to accept the amendment carried out on 14th May
) 2024 and make necessary initial / attestation in the
) Testamentary Petition.

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) 4. Perused the Petition. By an order dated 27th March,
) 2023, the Petitioner was allowed to amend the Petition to
) substitute the mother as Petitioner in the place of sister of
) deceased. Pursuant to the Order dated 17th April, 2024
) passed by the Ld. Prothonotary and Senior Master, as a
) last chance, time was granted to remove office objections
) till 29th May, 2024, failing which the Petition shall stands
) rejected under Rule 986. By an order dated 9th May, 2024,
) the Petitioner was allowed to remove office objections
) within time. It appears from the Petition that the
) amendment was carried out and it was redeclared before
) the Assistant Chief Translator and Interpreter of this
) Hon'ble Court, on 14th May, 2024, within the stipulated
) period i.e. before 29th May, 2024. Rule 152 of the High
) Court Original Side Rules 1980 provides for the attestation
) of amendment, which reads as under :

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) **“152. Attestation of amendment :**
) Any amendment made pursuant to an order
) shall be attested by the Prothonotary and Senior
) Master or Master and Assistant Prothonotary or
) ..3/-

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) any one of the Assistant Masters or Associates”.

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5. In the present Petition, the amendment was carried out and petition was redeclared on 14th May, 2024 but the attestation of amendment was not made as required under the above Rule. Therefore, the Applicant has taken out the Interim Application to accept the amendment carried out on 14th May, 2024 and make necessary attestation. In view of the aforesaid circumstances and the Petition is non-contested, Registry to accept the amendment carried out on 14th May, 2024 and make necessary attestation of amendment in the Petition. Interim Application is disposed of.

04.07.2025

**Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master**