

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

INTERIM APPLICATION NO.3420 OF 2025
IN
TEST. PETITION NO. 252 OF 2000

Manek Cyrus Guzdar & Another .. Applicants.

In the matter between

Manek Cyrus Guzder & Another .. Petitioners.

Adv. Shireen Pochkhanwalla i/b. Maneksha & Sethna, for the Applicants/
Petitioners.

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 24th SEPTEMBER, 2025.

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1 This Interim Application has been filed seeking condonation of delay in filing the Interim Application and to allow the Applicant/ Petitioner to amend Schedule I to the Petition in terms of Exh. "B" annexed to the Interim Application and for an Order and directions to the Prothonotary and Senior Master of this Court to amend the Schedule to the Original Grant as per Exh. "B" annexed thereto.

2 As far as these prayers are concerned, I have perused the Interim Application and the Additional Affidavit dated 4th September, 2025 in support of the Interim Application of Applicant/ Petition No.1 and I am satisfied that valid reasons have been given therein for condonation of delay and also for allowing the amendments as sought.

3 It is also important to note that the Applicants are the only executors of the Will dated 28th April, 1995 of the deceased and are also the only legal heirs of the deceased.

4 Further, the Applicants have submitted that the shares belonging to the deceased Mrs. Jer Behramji Dubhash, listed in Exh “B” annexed to the Interim Application are in various alias names of the deceased and since these alias names are not included in the Probate, the concerned companies and share transfer agents are not transferring the shares in the name of the Applicants/ Petitioners. Therefore, it is prayed that the Applicants be allowed to amend the cause titles of Testamentary Petition No.252 of 2000 as well as this Interim Application and to add the various alias names.

5 In my view, there is no impediment in granting these reliefs.

6 In these circumstances, I hereby pass the following order:-

(i) The Interim Application is allowed in terms of prayer clauses (a) and (b) which read as under:-

“(a) that delay, if any, in taking out this Interim Application be condoned;

(b) that this Hon’ble Court be pleased to allow the Applicants/ Petitioners to amend Schedule No.1 to the Petition in terms of Exhibits ‘B’ annexed to this Interim Application and accordingly order and direct the Prothonotary and Senior Master, High Court Bombay to amend the Schedule to the Original Grant as per Exhibit ‘B’ annexed hereto and consequential amendments be allowed to be carried out.”

(ii) The Applicant is permitted to amend the cause title of Testamentary Petition No.252 of 2000 as well as the Interim Application and to add the following words before the words “ a widow, a Parsi Zoroastrian”

“ ‘alias Jer Behram Dubash, alias Jer B. Dubhash, alias Jer Byramji Dubhas, alias Jer B. Dabash”.

7 Amendment to be carried out within a period of two weeks from the date of uploading of this order.

8 The Interim Application is disposed of. There will be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)