Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INTERIM APPLICATION NO. 5071 OF 2026
IN
TESTAMENTARY PETITION NO. 3042 OF 2024

Simon Harold Attwood .. Applicant (Org. Petitioner)

In The Matter Between

Sybil Beatrice Hughes alias
Sibyl Beatrice Mitchell alias
Sybil Hugehs / Mitchell .. Deceased

Simon Harold Attwood .. Petitioner

Britania Industries Ltd .. Respondent

ALONGWITH
INTERIM APPLICATION NO. 3643 OF 2025
IN
TESTAMENTARY PETITION NO. 3042 OF 2024

WITH
MISC. PETITION NO. 902 OF 2025
IN
TESTAMENTARY PETITION NO. 3042 OF 2024

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- Mr. Sharan Jagtiani, Senior Advocate a/w Mr. Rohit Bandekar & Ms. Sheetal Shah i/by M/s. Mehta & Girdharlal, Advocates for Applicant
- Mr. Navroz Seervai, Senior Advocate a/w Mr. Sarosh Bharucha, Mr. Jay Zaveri, Ms. Reha Parkash, Ms. Kshamaya Paniel & Mr. Ujjwal Batra i/by Crawford Bayley & Co., Advocates for Respondent - Britania Industries Ltd

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 5, 2026

P. C.:

1. Heard Mr. Jagtiani, learned Senior Advocate along with Ms. Shah, learned Advocate for Applicant i.e. Org. Petitioner and Mr. Seervai, learned Advocate for Respondent.

2. By administrative order dated 24.09.2026, the Hon'ble the Chief Justice has directed this Court to decide the present Application.

3. Present Application is a post-grant amendment Application rather filed as a post-grant amendment Application in Testamentary Petition No. 3042 of 2024. In the said Testamentary Petition, this Court had already allowed and granted Succession Certificate to the Applicant. There was a Miscellaneous Petition filed by Britannia Industries Limited i.e. the concerned Company for revocation of the above Succession Certificate which was argued before me.

4. In the course of submissions made by learned Advocates while considering the Revocation Petition, this Court passed order dated 24.08.2026. Paragraph Nos. 2 and 3 of the said order read thus:-

> *"2. In view of the submissions made by Mr. Seervai, inter alia, with regard to applicability of provisions of Section 212(1) read with Section 212(2) of the Indian Succession Act, 1925 in view of the status of the deceased and Applicant before the Court who is the legal heir of the deceased, Mr. Jagtiani, on instructions, submits that Applicant shall take out appropriate Application seeking grant of Letters of Administration without Will annexed with regard to the property and credits of the deceased in accordance with the aforesaid provisions of the Indian Succession Act. He would further submit that since the Applicant has proceeded with seeking issuance of Succession Certificate and the Succession Certificate has already been granted which is attempted to be revoked in the present proceedings, Applicant be protected to that extent.*

> *3. I have considered the aforesaid submissions and the provisions of Section 212(1) read with Section 212(2) of the said Act. It is prima facie seen that in view of the status of the Applicant and the deceased, the correct course of action ought to be adopted by Applicant is to file Letters of Administration in accordance with law. If any such Application is made, this Court undoubtedly will consider the same and pass appropriate orders therein. Needless to state that the Applicant is entitled to file the said Application in accordance with the aforesaid provisions read with Sections 370, 33 and 37 of the Indian Succession Act. If any such Application is filed by the Applicant and if the Applicant makes a statement therein that Applicant shall surrender the Succession Certificate, keeping all contentions open for the Applicant to seek appropriate Letters of Administration without Will annexed in accordance with the provisions of Section 212(1), the Court shall pass appropriate orders. "*

5. In view of the statutory provisions emphasized under Section 212 of the Indian Succession Act and appropriate instructions having been taken by Applicant, the Applicant has decided to file the present Interim Application for various reliefs as prayed for therein.

6. I have considered the submissions and the grounds on which the present Application is filed. The Applicant desires to seek issuance of grant, namely Letters of Administration without will annexed in favour of Applicant in respect of securities set forth in Schedule I with power to collect debts and receive dividends and/or to negotiate and/or transfer the said securities in accordance with law. The case of the Applicant in the facts and circumstances of the present case as argued and prayed for issuance of the above grant of Letters of Administration without Will annexed appears to be correct in accordance with law.

7. In view of the above, I am inclined to consider grant of prayer clause (b) of the Application to the Applicant. However, the condition

precedent thereto would be that the Applicant shall surrender the original Succession Certificate which has been issued by this Court in Testamentary Petition No. 3042 of 2024 to the Registry within one week from today. Needless to state that the said grant namely Succession Certificate which has been issued, stands revoked. The original Succession Certificate shall be returned back to the Department. The Registrar is directed to accept the same in view of this order.

8. Interim Application No. 5071 of 2026 stands allowed in terms of prayer clause (b). As a consequence of granting prayer clause (b), prayer clauses (c) (iii) to (vii) are also granted which are the reliefs in consequence of the statutory procedure established by this Court under the Original Side Rules for issuance of grant of Letters of Administration without will annexed.

9. All questions are otherwise kept open.

10. In view of this order, the Revocation Petition i.e. Miscellaneous Petition 902 of 2025 does not survive. Needless to state that all questions are otherwise kept open for the parties in accordance with law. Needless to state that Court fees paid for the original Petition i.e. Testamentary Petition No. 3042 of 2024 shall be adjusted in the present Application filed for issuance of Letters of Administration

without Will annexed and the same challan shall be accepted by the Department.

11. Liberty to apply in case of any difficulty.

12. Interim Application is allowed and disposed.

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[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

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Date: 2026.10.05 15:53:53 +0530