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

**INTERIM APPLICATION NO. 3167 OF 2025
IN
TESTAMENTARY PETITION NO. 429 OF 1985**

Shireen Nader Bharucha ... Applicant

Vs.

Eruch Shahpurji Variava ... Respondent

Ms. Sheetal Shah a/w Mr. Danish Merchant i/b M/s. Mehta & Girdharlal for
Applicant.

CORAM : FARHAN P. DUBASH, J.

DATE : 20th JANUARY 2026

P.C.:

1. The present Interim Application has been filed after a grant has been issued. By the Interim Application, the Applicant who is the granddaughter of the deceased seeks to substitute her name in place of the Petitioners as the sole administrator so as to facilitate the issuance of letters of administration with the Will annexed.

2. A perusal of the present Interim Application would reveal that Petitioner Nos. 1 and 3, being the original Executors, have since passed away, whilst the other original Executor, viz. Petitioner No. 2, has renounced his

executorship on account of his old age.

3. The present Interim Application states that the assets and liabilities of the deceased, which form part of the estate, are still not distributed and administered as per his last Will and Testament and therefore it is necessary that the name of the Applicant be substituted in place of the original Executors/Petitioners and accordingly, Letters of Administration be issued in her name to administer the estate of the deceased in terms of the Schedule annexed at Exhibit-J to the present Interim Application.

4. On the date of demise of the deceased, he was survived by his widow, one son and two daughters. Since then, his widow is stated to have passed away on 14th April 2005, whilst his son is stated to have passed away on 14th December 2015. The surviving legal heirs and representatives of his son have given their consent to the present application, and his Affidavits to that effect are annexed and his consent Affidavit is at Exhibit-H to the Interim Application in favour of his sister, the Applicant herein.

5. In addition, the consent Affidavits of both the daughters of the deceased is also filed and is on record.

6. Upon consideration of the averments made in the present Interim Application and after hearing Ms. Sheetal Shah, learned Counsel

who appears on behalf of the Applicant, this Court is satisfied with the case set out in the present Interim Application and accordingly, the following order is passed:

:ORDER:

- (i) The Applicant is permitted to amend the Testamentary Petition No. 429 of 1985 in terms of the Schedule at Exhibit-J to the present Interim Application. This amendment shall be carried out on or before 3rd February 2026. Re-verification is disposed with.
- (ii) The office is directed to issue a Grant and Letters of Administration in favour of the Applicant in respect of the property and credits of the deceased as mentioned in the Schedule of assets with power to collect the said debts and receive/transfer securities including dividends on the said securities.
- (iii) Interim Application is disposed of. There shall be no order as to costs.

(FARHAN P. DUBASH, J.)