

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.1072 OF 2022
IN
TESTAMENTARY SUIT NO.133 OF 2013**

Athena Connal Mehta

...Applicant

And

Claire Shroff and Ors.

...Respondents/Prop Defs.

In the matter between:-

Rudra Willaim Connal & Anr.

...Plaintiffs.

Versus

Ashok L. Pande being the CA of

Shrenik D. Shroff

...Deceased

Ms. Priyanka Kothari a/w Ms. Samridhi Lodha i/by Kanga & Co. for
Plaintiffs.

CORAM : R. I. CHAGLA, J.

DATED : 29th JULY, 2022.

P.C.

1. The matter is mentioned out of turn, in view of the
consent of the parties.

2. Heard learned counsel for the Plaintiffs.

3. By this Interim Application, the Applicant is seeking permission to amend the captioned Testamentary Suit as per the Schedule annexed to the Interim Application alongwith consequential amendments.

4. The Applicant is the Petitioner in the Original Probate Petition which has been filed and pursuant to caveat filed the Testamentary Petition was converted into the captioned Testamentary Suit. The sole Caveator expired at Goa on 19th December 2021. The Applicant had thereafter taken necessary steps for obtaining certified copy of Death Certificate as well as enquiry as to legal heirs of the Original Defendant which are mentioned in the tabular form at para 6 of the Interim Application and who are to be brought on record in place of the Original Defendant.

5. The Applicant in para 9 of the Petition has sought amendment of the name of the legal heir Mr. Shrenik D. Shroff and replacing his name with the names of the legal heirs of the Original Caveator which have been mentioned.

6. Accordingly, the present Interim Application has been taken out.

7. The learned counsel for the Applicant has stated that the urgency in seeking the necessary amendments in the captioned Testamentary Suit is in view of the Testamentary Suit currently being at the trial stage and the trial being proceeded with and during the trial, the Original Caveator/Defendant had expired.

8. The learned Advocate for the Original Caveator has no objection to the relief sought for in the Interim Application being granted.

9. In view thereof, considering the averments in the Interim Application as well as submissions of the parties, a case is made out for grant of relief sought for in the Interim Application. Hence, the following order is passed:-

- (i). The Applicant is permitted to amend the Testamentary Petition as per the Schedule annexed to the Interim Application as well as consequential amendments thereto.
- (ii). The amendment shall be carried out by the Applicant within a period of two weeks from the date of this order. Re-verification is dispensed with.

- (iii). The Interim Application is disposed of in the above terms.

(R. I. CHAGLA, J.)