



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION (L) NO. 19257 OF 2026

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IN

TESTAMENTARY PETITION NO. 3368 OF 2025

Velji Ranmal Shah ... Applicant

Versus

Bachubhai Nathabhai Gala alias
Bhachooibhai Natha Gala ... Respondent

.....
Ms. Manisha Prajapati instructed by Vimla & Co., Advocate for the
Applicant/Petitioner.

None for the Respondent.

.....
CORAM : ABHAY AHUJA, J.

DATE : 11 JUNE 2026

PC. :

1. This matter was kept back in the morning session as the amendment sought in the valuation of 300 grams of gold from Rs.2,61,00,000/- to Rs.26,10,000/- was to be verified.

2. When the matter is called out in the afternoon session, Ms. Prajapati, learned Counsel, appears for the Applicant/Petitioner and submits that on the date of filing of the probate petition the value of 300 grams of gold was Rs.26,10,000/- however through inadvertence, the value had been mentioned in the Schedule of the Petition as



Rs.2,61,00,000/-. That therefore this Interim Application has been filed for amendment of the grant. Ms. Prajapati submits that in the grant, the figure of Rs.3,29,46,000/- be amended to Rs.94,57,000/-.

3. Upon a query from this Court to Ms. Prajapati, as to the provision under which such an amendment is permissible as the prayers in the Interim Application do not refer to such a prayer, Ms. Prajapati seeks some time to take instructions.

4. However, Mr. Rahul Narichania, learned Senior Counsel, who is waiting in the Court in another matter, has kindly assisted this Court and draws this Court's attention to Section 261 of the Indian Succession Act, 1925 with reference to the errors that may be rectified by the Court.

5. Perusal of the said provision indicates that errors in names and descriptions, time and place of the deceased's death or the purpose in a limited grant may be rectified by the Court and grant of probate or letters of administration may be altered or amended accordingly.

6. Although the amendment sought does not strictly fall within Section 261 of the Indian Succession Act, 1925, however considering that the error has occurred due to incorrect valuation being mentioned in the schedule to the Testamentary Petition, this Court is of the view that the said error be rectified as the same is only a clerical error and



such a power is implied in Section 261 of the Indian Succession Act, 1925.

7. Accordingly, let the probate dated 27th March 2026 be altered/modified as under :

(i) the figure of Rs.3,29,46,000/- in the probate be deleted and substituted by Rs.94,57,000/-.

(ii) let the altered/amended grant be issued within a period of four weeks.

8. Although the prayers of the Interim Application are also not happily worded, the Interim Application is allowed and disposed as above.

9. This Court appreciates assistance rendered by Mr. Narichania, learned Senior Counsel of this Court.

(ABHAY AHUJA, J.)