

SUPREME COURT OF INDIA

Shambhu Prasad Agarwal

Vs.

Bhola Ram Agarwal

(V. N. Khare , S. S. M. Quadri and D. P. Mohapatra JJ.)

25.08.1999

ORDER

The Text below is only a summarized version of the order pronounced

The SC allowed the substitution of the legal heirs - appellants in place of deceased Matadin Aggarwal. Matadin being a legatee under the will should have applied for the letter of administration and not for probate. However, this fact did not debar the legal heirs of Matadin from amending the probate petition. Appeal was allowed and matter was remanded to the Trial court for disposal.