

Sharayu

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 40 OF 2014
IN
TESTAMENTARY PETITION NO. 717 OF 2010**

Vinayak Sagun Pednekar	...Petitioner
<i>Versus</i>	
Manisha Manohar Gawandi	...Respondent

Mr. Subhash Achyut Abhyankar, *for the Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 19th March 2015**

PC:-

1. The Petitioner seeks a declaration that one Manohar Dattatray Gawandi said to be missing since 21st December 2006 and who has not being heard of for a period of more than seven years be declared to be missing and presumed dead. The present Petition No. 717 of 2010 is for Letters of Administration to the estate, properties and credits of one Manisha Manohar Gawandi, who expired on 6th July 2006. The Petitioner is Manisha's brother. It is Manisha's husband Manohar who is said to be missing since 21st December 2006. Manisha died intestate.

2. The Petitioner has filed a complaint with the Senior Inspector of Police at the Crime Branch, Mumbai in relation to Manohar being missing and not traceable. The Police have confirmed in writing that Manohar is missing from that date. Despite all efforts Manohar has not been traced or heard from for a period of more than seven years.

3. By an order dated 5th January 2015, I directed the Petitioner to issue an advertisement. This has been done in the 'Free Press Journal' and 'Navshakti'. An Affidavit affirming the issuance of that advertisement/proclamation is on file.

4. In the circumstances, Petition is made absolute in terms of prayer clause (a), which reads as follows:-

“(a) The Hon’ble court be pleased to declare that the said MANOHAR DATTATRAY GOWANDI is missing since 21-12-06 and who has not been heard for a period of seven years and who is presumed to have been dead.”

5. All concerned to act on an authenticated copy of this Order.

(G. S. PATEL, J.)