

*Shephali*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
MISCELLALNEOUS PETITION NO. 42 OF 2015  
IN  
TESTAMENTARY PETITION NO. 975 OF 2012**

|                                              |                      |
|----------------------------------------------|----------------------|
| Gaffar Yusuf Waghoo                          | ...Petitioner        |
| <i>And</i>                                   |                      |
| Akbar Gaffar Waghoo Alias Akbar Gaffur Vaghu | ...Missing<br>person |

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**Mr. G.Y. Waghoo, for the Petitioner.**

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**CORAM: G.S. PATEL, J  
DATED: 28th October 2015**

**PC:-**

1. The Petitioner, aged 75 years, seeks that his own son Akbar Gaffar Waghoo said to be missing from 13th November 2003, be declared dead, not having been heard of for over seven years.
  
2. The Petitioner is personally present in court. He says that he cannot afford services of the Advocate. His son went missing on 13th November 2003. A complaint was filed with the N.M. Joshi Marg Police Station on 2nd December 2003. The Senior Police Inspector of that Police Station certified on 28th April 2011 that

Akbar was missing and that he had not been found despite all efforts. A copy of that communication from the police is annexed.

3. The Miscellaneous Petition is made absolute in terms of prayer clauses (a) and (b).

4. In view thereof, the Testamentary Department is directed to permit the Petitioner to proceed with his Petition No. 975 of 2012 for a succession certificate. Office is directed to give the matter maximum possible priority.

5. All concerned to act on authenticated copy of this order.

**(G. S. PATEL, J.)**