

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 105 OF 2014**

Induben Dhirajlal Ashra	...Petitioner
<i>Versus</i>	
Chambapen Hari Jeevan Das Jhajal	...Deceased

Ms. Priyanka Kothari, /w *Ms. Neha Bhatt, i/b M/s. Bilawal & Col,*
for the Petitioner.

CORAM: G.S. PATEL, J
DATED: 24th February 2015

PC:-

1. Prayer (a) of the Petition seeks a declaration that Mr. Panalal Jhajal and Mr. Kkoshore Jhajal, the two sons of the deceased be declared as dead since they have not been heard of for more than 10 years and have been missing from that period of time. Although there are, annexed to the petition, some documents such as complaints made to the local police station and reports from the police station that these two persons have not yet been traced, I believe that it is necessary that a public notice be issued in the locality in which they last resided.

2. Hence, the Petitioner shall issue a public notice in Janmabhumi in Gujarati and the Free Press Journal in English in the form specified by the registry specifically giving notice of the filing of Petition No. 778 of 2013 and specifying a period of three weeks within which a response to that public notice must received.

3. Upon publication, the Petitioner shall file an affidavit proving publication. If, after the date of publication, no response has been received within three weeks, the Miscellaneous Petition No. 105 of 2014 shall stand made absolute in terms of prayer clauses (a) and (b), without further reference to the Court. On the other hand, if any response is received, the Miscellaneous Petition will be listed for directions within one week of the expiry of the aforesaid three weeks' notice period.

(G. S. PATEL, J.)