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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 158 OF 2014
IN
TESTAMENTARY PETITION NO. 1304 OF 2014**

Harsh Radhakrishna Makharia	...Petitioner
<i>Versus</i>	
Central Bank Executor & Trustee Co. Ltd., now known as Centbank Financial Services.	...Respondent

Mr. Rohaam Cama, with G.C. Mohanty, i/b M/s. Mohanty & Associates, for the Petitioner.
Ms. Davierwala, i/b M/s. Mulla & Mulla, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 16th June 2015

PC:-

1. There is a typographical error in the order dated 25th February 2015. The Respondents correct name is Centbank Financial Services Limited.

2. The Testator deposited the original Will for safe keeping and safe custody with the Respondent. The Will is said to have been executed in the office of the Respondent or its parent, the Central Bank of India. It appears that the Respondent has misplaced the original Will. An affidavit dated 4th April 2015 is filed setting out

the circumstances in which this might have have happened and also explaining the Respondent's processes regarding safe custody.

3. Mr. Cama, learned Counsel for the Petitioner, states that the Petitioner has available with him a photocopy of the certified copy of the Will. In view of the affidavit dated 4th April 2015, the Petitioner has no option but to proceed on the basis of that photocopy. The Petitioner is at liberty to continue with the probate Petition on the basis of the copy that is available with him.

4. Mr. Cama states that some citations are yet to be served. Department to proceed on the basis of these directions.

5. The Notice of Motion is disposed of in these terms with no order as to costs.

6. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)