

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 25 OF 2017**

Aniruddh Baliram Jadhav

...Deceased

Versus

Preeti Aniruddh Jadhav

...Petitioner

Appearances not given.

CORAM: G.S. PATEL, J

DATED: 17th September 2018

PC:-

1. The Petition seeks an order under Section 108 of the Indian Evidence Act, 1872 to the effect that one Aniruddh Baliram Jadhav (“**Aniruddh**”), being missing for more than seven years, should be declared to be presumed dead.

2. The Petitioner, Preeti Aniruddh Jadhav, is Aniruddh’s wife. They were married on 2nd June 1998. This was Aniruddh’s second marriage. He was previously married to one Smita. She died on 16th June 1997, and left no Will.

3. Aniruddh worked with the Reserve Bank of India as an Office Attendant in Mumbai. The Petition states that he left his home for work in the early morning of 12th October 2007. He never returned. The Petitioner made enquiries with friends and relatives, and at his

place of work, but found no trace of him. She filed a missing person's complaint, register No. 93 of 2007, on 13th October 2007 with the Nerul Police Station. The police have regularly made enquiries since and issued certificates on 20th October 2008, 17th December 2008, 16th September 2014 and 10th March 2015. Despite all efforts, Aniruddh has not been traced or heard of since 12th October 2007.

4. The Petition also states that Aniruddh had no children from his first marriage to Smita. The Petitioner and Aniruddh also had no children. The Petitioner is Aniruddh's only surviving legal heir. The Testamentary Petition itself is for Letters of Administration.

5. I will take up the Testamentary Petition on the next date. For the present, the Miscellaneous Petition No. 25 of 2017 is made absolute in terms of prayer clause (a).

6. List the Testamentary Petition on 24th September 2018.

(G. S. PATEL, J)