

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
JUDGE'S ORDER NO. 31 OF 2017**

IN

TESTAMENTARY PETITION NO. 1027 OF 2015

Surat R Hingorani ...Petitioner

And

Dayali Khushaldas Mankani ...Deceased

Ms Ekta V Pednekar, i/b Sachin Masurkar, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 1st March 2018**

PC:-

1. It is not possible to grant relief on this Judge's Order. On 26th April 2017, KR Shriram J directed the Petitioner to obtain a consent Affidavit from the other legal heir confirming the Petitioner's statement that his brother Anand Khushaldas Mankani has been missing for the last 20 years and his whereabouts are unknown.

2. It seems that the other heir Vimloo Chandroo Hingorani has sent a scanned copy of an affidavit of consent but has refused to send the original Affidavit. If this be so, the Petitioner is required to take the necessary steps to file an appropriate application for declaration under Section 108 of the Evidence Act in respect of the

missing brother, and to file a fresh application or Judge's Order thereafter.

3. No orders on the present Judge's Order.

(G. S. PATEL, J)