

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION NO. 88 OF 2023
IN
TESTAMENTARY PETITION NO. 435 OF 2022**

Bhavesch Chandrakant Patel ...Missing Person

Dipa Anil Salvi ...Applicant

Mr. Vijay Badgujar i/b. Adv. S. V. Lakdawala, for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 13th FEBRUARY, 2023

P.C. :

1. The present Interim Application has been filed (i) for declaration under Section 108 of the Indian Evidence Act, 1908 that the presumption of death must be drawn in respect of one Bhavesch Chandrakant Patel and (ii) for the grant of letters of Administration in respect of properties and credits of the said Bhavesch Chandrakant Patel.

2. Learned Counsel appearing on behalf of the Applicant submits that the said Bhavesch Chandrakant Patel has been missing since the year 2012. He invites my attention to a certificate dated 6th February, 2012 issued by Senior Police Inspector, Goregaon Police Station, which records that Bhavesch

Chandrakant Patel has been missing since the year 2012.

3. Learned Counsel then invites my attention to, two paper publications both dated 12th October, 2021, published in one Free Press Journal and the other in Divya Bhaskar paper. The said advertisements record that the deceased has been missing since the year 2012. He submits that despite this no news of the deceased has been received by the Petitioner who being the legal heirs and next of kin of the said Bhavesh Chandrakant Patel who would have in the ordinary course have heard from her brother.

4. I have heard learned Counsel and perused a copy of the Interim Application and also perused the annexures thereto and find there is no impediment in granting the present reliefs. I am satisfied that sufficient cause has been made and set out by the Applicant to drawing the presumption under Section 108 of the Indian Evidence Act, 1908 that the said Bhavesh Chandrakant Patel can be declared as dead.

5. In view thereof office to proceed with the grant of Letters of Administration in regular course, subject to the Applicant comply with all requisitions that may be raised.

6. The Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J)