

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

**INTERIM APPLICATION NO. 218 OF 2020
IN
TESTAMENTARY PETITION NO. 125 OF 2017**

Pankaj Jamnadas Khakhar ... Applicant

In the matter between :

Pankaj Jamnadas Khakhar ... Petitioner

Mrs. Radhaben Jamnadas Khakhar ... Deceased

Ms. Namita Shirke i/by Jaydeep Thakkar for the Applicant/
Petitioner.

**CORAM: MANISH PITALE, J.
DATE : 22nd FEBRUARY, 2024**

P.C. :

. The petitioner has moved the present application for issuance of witness summons to the attesting witnesses to the subject Will. It is the case of the applicant/petitioner that despite reaching out to the attesting witnesses, they have not come forward to file their affidavits.

2. For the reasons stated in the application, the same is allowed in terms of prayer clauses (a) and (b), which read as follows :

“a) By an order and direction of this Hon’ble Court witness summons be issued to Mr. Pankaj Occhavlal Desai residing at DLH, Prabhuvandan, 9th Floor, Block No.902,

Off. Veera Desai Rao, Andheri (West), Mumbai – 400 058 for giving evidence in respect of the Will dated 2.1.1997 of Late Mrs. Radhaben Jamnadas Khakhar, and to examine him before examination of the Applicant.

b) By an order and direction of this Hon'ble Court witness summons be issued to Mr. Pinal Rameshbhai Shah residing at Panchsheel Garden Society, F/404, Dhanukar Wadi, Mahavir Nagar, Kandivali (West), Mumbai – 400 067 for giving evidence in respect of the Will dated 2.1.1997 of Late Mrs. Radhaben Jamnadas Khakhar, and to examine him before examination of the Applicant.”

3. Accordingly, summons be issued to the above mentioned attesting witnesses, returnable on **27th March, 2024**.

4. This Court is informed that a caveat has been lodged in the present petition, but, it is still on lodging number and objections are not being removed. Today, there is no appearance on behalf of the caveator. It is made clear that on the next date of listing, this Court will consider passing appropriate orders in the caveat.

MANISH PITALE, J.