

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

INTERIM APPLICATION NO.2051 OF 2023

IN

PETITION NO.1069 OF 2021

AND

INTERIM APPLICATION (L) NO.16991 OF 2023

IN

PETITION NO.1070 OF 2021

Jatin Virendra Damani ... Applicant / Petitioner

Sushila Virendra Damani ... Deceased

Ms. Sneha Vani Marjadi for Applicant / Petitioner.

CORAM : MANISH PITALE, J.

DATE : JANUARY 24, 2024

P.C. :

. In these two petitions filed for grant of letters of administration with Will pertaining to the deceased parents of the petitioner, the present applications have been moved for declaring that the widow and son of the brother of the petitioner have been duly served through e-mail and *WhatsApp*.

2. It is brought to the notice of this Court that the deceased parents had three children i.e. two sons and one daughter. The petitioner is one of the sons, while the other son expired and his widow and son are residing in the United States of America (USA). The married daughter has given consent in the present petitions.

3. It is submitted that citations were to be served on the widow and son of the brother of the petitioner i.e. the other son of the deceased parents. The petitioner had requested them to forward their address

where they are staying in USA. But, they refused to give details. As a consequence, the petitioner was constrained to serve the citations and the papers pertaining to the present petition by way of e-mail and *WhatsApp*. Copies of the e-mails dated 09.02.2022 are annexed to the applications and read receipts pertaining thereto dated 10.02.2022 are also annexed. Similarly, copies of the *WhatsApp* messages along with the citation and the papers pertaining to the petitions sent by the *WhatsApp* have been placed on record. The aforesaid documents indicate that the *WhatsApp* messages were also read by the recipient.

4. In the peculiar facts and circumstances of the present case, this Court is satisfied that the aforesaid widow and son of the brother of the petitioner i.e. Ms. Harsha Jitendra Damani and Mr. Manthan Jitendra Damani have been duly served with the citations.

5. The department shall now proceed in accordance with law on the basis that the citations have been indeed served in the aforesaid manner by the petitioner.

6. The applications are disposed of.

(MANISH PITALE, J.)

Minal Parab