

Before : Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date :- 03<sup>rd</sup> July, 2024

**FOR COMPLIANCE:**

25. TP/206/2024  
[Original]  
(ECHCBM02158902023)

P Ms. Jyoti Badgujar i/b S U Lakdawala Ld. Advocate for  
C. : the Petitioner

1. In this petition, Consent of Meenu Talwar is affirmed on 22.02.2023 and whereas petition is affirmed in August, 24.08.2023. Hence, petitioner to explain that consent affidavit is admissible. Hence, adjourned.

2. S. O. to 09.07.2024

03.07.2024

Officer on Special Duty,  
with Testamentary Department

In Second sitting Ld. Advocate for the petitioner submitted that once affidavit is affirmed as per the Law, it remains an affidavit and facts stated on the oath is required to be accepted. No doubt facts stated on the Oath is to be accepted until it is disapproved. However, contents of the petition, initially drafted then the said heir is not legal heir of the the deceased. In view of law laid down in case of **Jaiwantibai w/o Shenuji Wankhade VS. Sunanada w/o Ganesh Dode & Anr. In Second Appeal no. 144/2007**. She is the legal heir. Hence, in regard of the affidavit and its use in petition, the petitioner to satisfy that :-

(a) How, Testamentary petition number given in the year 2024 is mentioned in the affidavit.

(b) Petitioner to satisfy the discrepancies in a dates of affirmations mentioned as the last page of the affidavit.

(c) The petitioner to satisfy that the legal heir Meenu Talwar is aware about the present petition and she is aware, that her affidavit is used in the proceedings she is consented for the same.

03.07.2024

Officer on Special Duty,  
with Testamentary Department