

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

TESTAMENTARY PETITION NO. 1910 OF 2024

Savi Thakur alias
Savitri Menghraj Thakur ... Petitioner

Ms. Parpati Menghraj Thakur alias
Parpati M. Thakur ... Deceased

Mr. Prabhu Velar i/by Satendra Kumar for the Petitioner.

**CORAM: MANISH PITALE, J.
DATE : 9th MAY 2024**

P.C. :

. In this petition, filed for grant of letters of administration with Will annexed, it is submitted that the two attesting witnesses are not traceable. In that light, the petitioner has placed on record affidavit of Mrs. Namrata Rajiv Thakur. She has stated on affidavit that she was present on the date and time when the deceased testator executed the Will in the presence of two attesting witnesses and that the testator was in a sound and disposing state of mind, memory and understanding at the time of signing and execution of the said Will.

2. The aforesaid affidavit satisfies the requirement of Rule 384 of the Bombay High Court (Original Side) Rules, 1980.

3. In view of the above, the department to take the said affidavit on record and proceed further in accordance with law.

4. The learned counsel for the petitioner further submits that since the two executors appointed under the subject Will are not traceable, this Court may issue special citations.

5. In view of the above, issue special citations to the executors. The petitioner is granted liberty to serve the special citations through publication in two newspapers i.e. Free Press Journal (English) and Navbharat Times (Hindi), having wide circulation in Mumbai. The returnable date shall be stated as 11th July 2024.

6. The petitioner shall place on record an affidavit of service before the next date of listing.

MANISH PITALE, J.