

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

**TESTAMENTARY PETITION NO. 2159 OF 2024
WITH
WILL NO.874 OF 2024**

Rajeev Rajan S/o Rajendra Nath Shrivastava ...Petitioner
Versus
Cheryl Ann Rajan ...Respondent

Mr. Prabhu Velar for the petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 26th JULY 2024

Digitally signed by
ETHAPE ANANTHAKRISHNAN
Date: 2024.07.30
19:03:02 +0530

PC.:

1. Heard the learned Counsel for the petitioner.
2. The petition is moved before the Court as the Department has raised a requisition to comply with the provisions contained in Rule 384 of the Bombay High Court, Original Side Rules, 1980.
3. The Testamentary Petition is filed for Letters of Administration with Will annexed to the properties and credits of Cheryl Ann Rajan. The petitioner is the husband and sole legatee under the Will. The execution of the Will dated 7th July 2013 was attested by two witnesses, namely, Ramesh Bhoja Rao

and Ram Pahlajrai Sani. The petitioner asserts both the attested witnesses have passed away. A copy of the death certificate of Ramesh Bhoja Rao is annexed at Exhibit-C. A copy of the death certificate of Ram Pahlajrai Sani is annexed at Exhibit-D.

4. Inderraj Attarchand Talwar, the third party witness, who claims to have witnessed the execution and attestation of the Will by the testatrix, has filed an affidavit. In the affidavit, the third party witness has affirmed that on 7th July 2013, he was present at the residence of the Testatrix alongwith above named attesting witnesses. The Testatrix had written the Will in her handwriting, thereafter the Testatrix subscribed her signature at the foot of the Will and, thereupon, in his presence and in the presence of the Testatrix, both the attesting witnesses had subscribed their signatures to the writing. The third party witness affirms that the Testatrix was of sound and disposing mind, memory, and understanding and to the best of his belief, the testatrix made and published the testamentary writing out of her free will and pleasure.

5. In view of the documents on record and the affidavit of third party witness Inderraj Attarchand Talwar, I am satisfied

that the provisions contained in Rule 384 of the Bombay High Court, Original Side Rules, 1980, have been complied with.

6. The Affidavit of the third party witness Inderraj Attarchand Talwar be accepted, and the Department to proceed with the Testamentary Petition in accordance with law and Rules.

(N. J. JAMADAR, J.)