

40 TP/3788/2024) Ms. Shobhana Waghmare, Advocate for petitioner
ECHCBM021253)
32024) P.C.: Perused Petition. Heard Ld. Advocate for
WITH) petitioner. Ld. Advocate for petitioner submits that
WILL/1491/2024) whereabouts of legal heirs was not aware hence, they
) have taken out Chamber Order for publication.
)
) Pursuant to the order dated 03.09.2024 passed in
) the Chamber Order No. 389 of 2024, the petitioner
) has published the Citation on 01.10.2024 in two
) newspapers namely 'Free Press Journal' in English
) language and 'Navshakti' in Marathi language. Ld.
) Advocate for petitioner further submits that till date
) no objections has been filed in the present petition by
) way of Caveat. Hence, petition may be proceeded.
)
) Ld. Advocate for petitioner submits that even
) though petitioner being family friend of the deceased,
) he is not aware about the Class I as well as Class II
) legal heirs of deceased.
)
) Ld. Advocate for petitioner submits that petitioner
) was not residing to the next to the deceased or
) neighbour of the deceased, hence, he is not aware the
) legal heirs of deceased.
)
) Upon perusal of the petition and Will, I have
) observed that even though petitioner being family
) friend of the deceased, he is not aware about the
) Class I as well as Class II legal heirs of deceased.
)

) Furthermore, petitioner also did not know the
) whereabouts of the wife of deceased even though
) deceased was married as well as Petitioner did not
) know whether deceased died issue-less or with issue.
)

) It is to be noted that as per submission of
) Advocate for petitioner, the petitioner was not
) residing to the next to the said deceased or neighbour
) of the said deceased, hence, he is not aware the legal
) heirs of deceased.
)

) Upon perusal of the Will, it is also noticed that
) the stamp papers on which the Will is typed is
) undated and stamp vendor details not mentioned.
)

) Upon perusal of the petition, Affidavits, Chamber
) Order as well as directions issued therein, I am not
) satisfied that as the Executor is not aware about the
) legal heirs of deceased.
)

) In view of the above, Advocate for the petitioner
) has to satisfy to the Hon'ble Court and seeks
) necessary directions from the Hon'ble Court as
) whereabouts of legal heirs and next-of-kin are not
) known to the petitioner who is sole executor and
) being family friend of the deceased as well as
) authenticity of the Will.
)

) Hence, Ld. Advocate for petitioner has to take
) necessary directions from the Hon'ble Court.
)

) The present matter may be listed on board as per
) the directions of the Hon'ble Court.

