

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 17th March, 2025

FOR HEARING :

83. TP/404/2024
[Original]
(ECHCBM02194912023)
with
WILL/181/2024

P. C. : Shri. Umair Merchant a/w Ms. Triveni Jawale i/b M.
T. Maskita & Co. Ld. Advocate for the Petitioner

1. Ld. Advocate for the Petitioner has relied upon the Judgment passed by the Hon'ble Supreme Court of India in case of Shalini Singh Vs. Avinash Kumar Singh having Transfer Petition (Civil) No. 1843/2023 and submitted that the citation sent to the non-consenting legal heirs, through postal department and in-spite of the intimation of the postal article, the said non-consenting legal heir did not claim the said service. Hence, it is proper and good service as per the Law laid down in the Above referred Case by the Hon'ble Supreme Court of India.

2. Submission is considered. In the said Case, notice which was sent under the provisions of the Negotiable Instrument Act, 1881 through registered Post. In present case, the citation has to be served to the legal heirs personally by following provisions of Rule 397 and 400 of the Bombay High Court (OS) Rules, 1980. Hence, Petition is adjourned to verify that the service is proper.

3. S.O. to 25.03.2025

17.03.2025

Officer on Special Duty,
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