

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY PETITION NO.2320 OF 2024

Shardaben Nagindas Panchal

.. Deceased

Kartik Natvarlal Panchal

.. Petitioner

.....

- Ms. Nisha Shah a/w. Ms. Kinnari Bhat, Advocates i/by Kalpesh Joshi and Associates for Petitioner.

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 09, 2025

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 09.09.2025. Perused the praecipe.

2. Heard Ms. Shah, learned Advocate for Petitioner.

3. This is a case of sheer harassment of litigant which has been observed by this Court on the second day in the present assignment. It is shocking that Registry has refused to return the original death certificate and has asked Petitioner to obtain order of Court. Petitioner has therefore filed present praecipe. The original Petition has been withdrawn.

4. Once Petition is withdrawn on the Application of Advocate, Registry is required to return the original papers namely Will and death certificate. On 17.04.2025, an order is passed by this Court (Coram : Arif S. Doctor, J.) about withdrawal of Testamentary Petition

and refund of Court fees.

5. It is not understood as to why the litigants and Advocates are required to move the Court again and again. This is sheer apathy on the part of department. The concerned Registrar shall take cognizance of this and ensure that such praecipes are not placed before the Court unless a specific order is required from the Court. This is a case where Registry has returned the original Will to Petitioner however original death certificate is not returned and the same is still lying with Registry.

6. Registrar, Testamentary Department incharge of present case shall ensure that death certificate is returned and in future also shall ensure that such Applications are not made to the Court.

7. Pursuant to withdrawal of Petition on 17.04.2025 an order dated 18.08.2025 was passed by this Court (Coram : Kamal Khata, J.) for return of original Will. Original death certificate shall be returned forthwith.

8. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT
Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.09.09
17:05:20 +0530