

Ajay

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

TESTAMENTARY PETITION NO. 3149 OF 2024
WITH
WILL NO. 1257 OF 2024
IN
TESTAMENTARY PETITION NO. 3149 OF 2024

Gopal Lakhmichand Bhatia .. Deceased
Versus
Mahesh Gopal Bhatia .. Petitioner

-
• Mr. Kevin Gala, Advocate i/by Madhav Y. Shah for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 17, 2025.

P.C.:

1. Heard Mr. Gala, learned Advocate for Petitioner.
2. Mr. Gala has placed before me the earlier orders passed by the Company Registrar / Testamentary Registrar and Officer on Special Duty with Testamentary Department dated 04.07.2025 and 11.08.2025 respectively. He has also placed before me copy of praecipe dated 05.05.2025 which requires adjudication.
3. The grievance expressed in the said praecipe *prima facie* appears to be genuine. It is a believable reason. The General Power of Attorney issued by the wife of deceased is appended to the praecipe. The original of that General Power of Attorney shall be placed before the Registrar for consideration. Rule 397 *prima facie* covers a situation

arising in the present case. If there is genuine impediment, undoubtedly Application for Letters of Administration or Succession Certificate may be filed by the Constituted Power of Attorney of a person residing out of the State of Maharashtra when such a fact situation as appearing in the present case has arisen.

4. In that view of the matter, Testamentary Registrar shall accept the original General Power of Attorney and permit the Applicant to file Interim Application for taking steps to file the Petition in the name of the wife of the deceased.

5. Mr. Gala informs the Court that Officer on Special Duty has power to allow such amendment. If the said Officer on Special Duty is empowered, appropriate orders shall be passed. Only in case of any difficulty, recourse to the Court be made.

[MILIND N. JADHAV, J.]

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