

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 02nd January, 2025

FOR COMPLIANCE :

92. TP/3909/2024
[Original]
(ECHCBM02124432024)
with
WILL/1548/2024

P. C. : Shri. Shane Cardoz Ld. Advocate for the Petitioner

1. As per the last order, petition was supposed to be listed before the Hon'ble Court on 20.12.2024. However, same is not listed. Ld. Advocate for the Petitioner submits that he has requested the Hon'ble Court to remove his matter from the board vide praecipe dated 26.11.2024. However, no such order is available in the petition.

2. Ld. Advocate for the Petitioner is relied upon the order passed in the case of **Ramprakash Ramprakash Shreekishindas Aggarwal vs. Nandlal Ramprakash Aggarwal & Anr. (having, TP/50/2011)** delivered on 23.02.2012 (Coram: Hon'ble Smt. R. P. SONDURBALDOTA, J). In the said order the Hon'ble Court has referred the Rule 384 of the Bombay High Court (O.S.) Rules, 1980 and laid down that by this Rule petitioner does not require to seek leave of the Hon'ble Court to accept the affidavit third person. However, it is also laid down that necessary averment should be in the petition to accept such affidavit under Rule 384 of the Bombay High Court (O. S.) Rules, 1980.

3. Hence, petitioner to take necessary steps.

4. S. O. to 23.01.2025

02.01.2025

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