

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 05th February, 2025

FOR HEARING :

72. TP/4502/2024
(AMH20240129954C202
400010)

P. C. : Shri. S U Lakdawala a/w Ms. Jyoti Badgujar Ld.
Advocate for the Petitioner

1. Ld. Advocate for the Petitioner moved a praecipe dated 30.01.2025 and submitted that the attesting witness is not ready to file an affidavit and another attesting witness is no more. Hence, he requested to accept the earlier affidavit filed by the attesting witness.
2. However, the affidavit does not speak about the material points as required in the form of the affidavit, given in Form No. 102 of the Bombay High Court (OS) Rules, 1980. Hence, under such circumstances, this office has no power to by pass the mandate of the BHC Rules.
3. Hence, the petitioner may take steps by issuing a citation to the attesting witness or may take appropriate steps as provided by the Law or by seeking direction from the Hon'ble Court.
4. S.O. to 04.03.2025.

05.02.2025

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