

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.480 OF 2025

K. M. Padmanabhan	.. Deceased
Priti Padmanabhan Nair	.. Petitioner
Versus	
Jai Padmanabhan Nair	Respondent

-
• Mr. Mohit Yadav, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 05, 2025

P.C.:

1. Heard Mr. Yadav, learned Advocate for Petitioner.
2. I have heard Mr. Yadav first on 20.09.2025, when the following order was passed:-

“1. Heard Mr. Yadav, learned Advocate for Petitioner.

2. Grievance of Petitioner is that Respondent has forged signature of Petitioner and has procured Grant from Court. His further grievance is that properties which are standing exclusively in the name of Petitioner and her mother have been made the subject matter of Grant for which the Grant has been procured causing detriment to Petitioner and her mother.

3. An arguable case is made out by Mr. Yadav, learned Advocate for Petitioner for issuance of notice to Respondent. Hence issue notice to the Respondent made returnable on 03.10.2025.. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

4. After receiving the notice, Respondent to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner. Respondent is directed to remain present either by himself or through his Advocate on the next adjourned date.

5. *Stand over to 3rd October, 2025.”*

3. Thereafter the Petition has reached hearing on 21.11.2025 on which date following order was passed:-

“1. Heard Mr. Yadav, learned Advocate for Petitioner.

2. As informed by Mr. Yadav pursuant to the order dated 20.09.2025, he attempted to serve a copy of the Misc. Petition on Respondent. He would submit that Respondent has refused to accept service. Affidavit of service dated 01.10.2025 has been filed to that effect. He would submit that through Email and Whatsapp copy of the the revocation has been served.

3. Today, when the matter is called out for hearing, none is present for Respondent. He is directed to remain present on the next adjourned date. If Respondent does not present on the next adjourned date, this Court shall not await his presence and pass appropriate orders in a accordance with law.

4. Copy of this order shall be served on Respondent and file appropriate Affidavit of service to that effected by Mr. Yadav on the next adjourned date.

5. Stand over to 5th December 2025.”

4. Today when the matter has reached hearing, none is present. Affidavit-in-Service in compliance of the aforesaid order has been filed by Mr. Yadav.

5. In view of the fact that Respondent has refused to accept the service and fact that she has been duly served and is not appearing, Petition deserves to be allowed.

6. This Court cannot wait endlessly for the litigant who refuses to accept the service and does not remain present in Court despite being served once again.

7. In view of what is stated in the aforesaid twin orders, Petition stands allowed in terms of prayer clause (a). Grant is revoked and cancelled.

8. The original Grant is directed to be deposited by Respondent in Department within a period of one week from the date of intimation to Respondent by Advocate for Petitioner.

9. Miscellaneous Petition is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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