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Before : Shri E. B. Sivakumar,
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

Date : 14th January, 2025

CALLED FOR DIRECTION:

5.CHOL/20/2025
In
TP/5643/2024

) Mrs. Kusum Poojari, Advocate for Applicant/
) Petitioner.
)

) P. C. : 1. The present Chamber Order is taken out to
) serve the Citation upon Rekha Jitendra Shah
) nee Rekha Pravinchandra Gandhi, wife of the
) deceased by way of substituted service as per
) the Schedule annexed to the Chamber Order.
)

) 2. Perused Schedule. The Petitioner is
) seeking permission to publish the Citation in
) two newspapers viz. "Free Press Journal" in
) English Language and in "Mumbai Samachar"
) in vernacular language i.e. Gujarati.
)

) 3. Perused the Affidavit dated 12th
) December 2024 annexed to Chamber Order. It
) is stated in the said Affidavit that the deceased
) had mentioned in his Will dated 23rd November
) 2022 that his wife Rekha Pravinchandra
) Gandhi and himself were living separately from
) each other and he had no information on her
) whereabouts and both of them have been living
) separately for close to forty years. It is further
) stated in the said Affidavit that the applicant
) had tried to trace the address of the legal heir of
) the deceased but he could not get the address
) nor any contact number in any manner and the
) whereabouts of the said legal heir of the
) deceased is not known to the Applicant. The
) Applicant therefore requested to permit him to

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serve the Citation upon Rekha Jitendra Shah nee Rekha Pravinchandra Gandhi, by way of substituted service by publishing in two newspapers viz. “Free Press Journal” in English Language and in “Mumbai Samachar” in vernacular language i.e. Gujarati.

4. Perused Para-9 of the Petition, it is mentioned and confirmed that the averment made in the Affidavit.

5. Heard. The Ld. Advocate for the Applicant submits that the deceased had mentioned in his Will dated 23rd November 2022 that his wife Rekha Pravinchandra Gandhi and himself were living separately from each other and he had no information on her whereabouts and both of them have been living separately for close to forty years. She further submits that the applicant had tried to trace the address of the legal heir of the deceased but he could not get the address nor any contact number in any manner and the whereabouts of the said legal heir of the deceased is not known to the Applicant. She therefore prays that the Chamber Order be allowed.

6. For the reasons stated in Affidavit dated 12th December 2024 annexed to the Chamber order and averment made in Para-9 of the Petition, the Chamber Order is granted and signed separately. The Applicant is directed to publish the Citation in two newspapers viz. (1) “Free Press Journal” in English and (2) “Mumbai Samachar” in Gujarati language, within four weeks from the date of uploading the order. Office is directed to issue fresh Citation, if required.

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7. Applicant to file Affidavit annexing therewith the newspapers within two weeks once, the publication is done.

14.01.2025

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