

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.3116 OF 2025
IN
TESTAMENTARY PETITION NO.1376 OF 2023

Nirmala Purshottam Nirmal alias Nirmalaben P.
Nirmal alias Nirmal Nirmala Purshottam .. Deceased

Rakhi Ashok Khanna and Anr. Applicants/
.. Petitioners

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- Mr. Siddhesh Bhole a/w. Ms. Bhavika Thakkar, Advocates i/by SSB
Legal & Advisor for Applicants / Petitioners.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 03, 2025

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 01.10.2025. Perused the praecipe.
- 2.** Heard Mr. Bhole, learned Advocate for Petitioner.
- 3.** Interim Application is filed for seeking dispensation with requisition raised in order dated 09.02.2024. Averments made in the original Petition is that one Maheshwari Ashok Khanna was the adopted daughter of deceased namely Nirmala Purshottam Nirmal. Unfortunately Maheshwari Ashok Khanna also passed in the interregnum. Petition is filed by her daughter and son as joint Petitioners.
- 4.** The requisition which is raised by Department calling upon

Applicants to place on record documentary evidence of adoption deed etc. Petitioners have stated and averred in the Petition that such documentary evidence is not available but whatever documentary evidence is available, *inter alia*, showing nexus of their mother to the deceased namely bank account which was held jointly by them Central Bank of India, Jogeshwari Branch as also name of deceased mother being donee in the registered gift deed of the deceased are the only piece of documentary evidence available.

5. I have heard Mr. Bhole and perused averments made in the Application. In view thereof and on going through the same and Annexures appended to the Interim Application, I am convinced that documentary evidence placed on record be considered as adequate proof of nexus of deceased with mother of Applicant.

6. In that view of the matter, requisition raised vide order dated 09.02.2024 stands dispensed with.

7. Department to proceed further with issuance of Grant.

8. Praecipe is disposed.

9. Interim Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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