

Amberkar

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

PETITION NO. 1149 OF 2025

Kundanmal Ghanoomal Sakhrani alias
Sakhrani Kundanmal Ghanoomal alias
K.G. Sakhrani

And

Sundri Kundanmal Sakhrani alias
Sakhrani Sundri Kundanmal alias
Sundri K Sakhrani

.. Deceased

Ashok Kumar Kundanmal Sakhrani alias
Ashok K Sakhrani alias
Ashok K. Sakhrani alias
Sakhrani Ashok Kumar Kundanmal

.. Petitioner

-
- Ms. Seema Hunnurkar, Advocate for Petitioner
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 17, 2025

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 17.09.2025.
2. Heard Ms. Hunnurkar, learned Advocate for Petitioner. She would submit that Department insists an order of the Court for return of original death certificate. Petition has been disposed of. Petitioner requires the original death certificate of the deceased for other reasons. According to Ms. Hunnurkar, there was only one original death certificate which was submitted in the proceedings for issuance

of grant. Grant has already been issued. Now the Petitioner has sought return of the original death certificate.

3. I am informed that there are certain rules framed by the C & I.T. Committee for taking order of the Court while returning the original documents such as original death certificate / original Will / other original documents which are submitted in Court. These rules are placed before me by the Registrar of Testamentary Department. These rules pertain to retention of original documents. They are dated 17.01.2023 and 11.04.2023.

4. They were formed/passed due to e-filing procedure and system introduced for filing of Testamentary matters. Question before me is after the Petition is disposed of, if the original Will or death certificate is required by the party, whether it can be returned back on the application of the party. The Original Will certainly cannot be returned as Probate which is a certified copy of the Will is granted by the Court. Original Will has to be preserved to insulate Court against future claims. Whether the same yardstick will be applicable to the original death certificate is what I am called upon to decide. The death certificate is a public document issued by a statutory body.

5. Application is made by Petitioner seeking return of the original death certificate. Retention of original death certificate in my opinion

serves no purpose after the matter is disposed. Regarding retention of original Will, Codicil and Probate, I am of the opinion that these original documents will have to be retained after disposal of the matter by Court appropriately.

6. In view of the above and the rules framed, Registrar (Judicial) may please place the matter before the Hon'ble the Chief Justice for appropriate orders for returning the original death Certificate to parties, if applicable for, after matters of grant are disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.09.18
11:07:41
+0530