

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 02nd December, 2025

FOR HEARING :

85. TP/1374/2025	P C. Shri. Mohit Bharadwaj a/w Shri. Vinod Prajapati Ld.
(AMH20210052198C202500006)	:
with	Advocate for the Petitioner
CTS(L)/34467/2025	Ld. Advocate for the Caveator
(AMH20250014627C202500005)	
with	
WILL/558/2025	

1. Ld. Advocate for the Petitioner informed that judge's Order has been withdrawn by an order dated 28.11.2025.

2. In response to the query raised on 02.07.2025, about the service of Citation upon unsound mind of legal heir of the deceased, Ld. Advocate for the petitioner submitted that he has produced the copy of the certificate issued by an Authority established under the provisions of the National Trust Act, 1999. However, it is not marked in the petition or no further evidence is adduced to read this document in the proceeding. Hence, the petitioner to prove this document by an additional affidavit, as per the Laws. Even, in the Code of Civil Procedure, 1980 there is specific provision to serve the summons to the person having disability to understand the nature of the proceeding. At this movement, Ld. Advocate for the petitioner submits that it is not the suit. However, purpose of service of citation vide Rule 397 of the Bombay High Court (OS) Rules, 1980 is to give an information about the pending petition to the legal heirs of the deceased, if any. If such heir is unable to understand the nature due to mental illness, then citation is required to be served upon the person, in whose custody such person is, otherwise, purpose of this provision is of no use. Ld. Advocate for the petitioner further submits that the undersigned officer is making difficulties in the matter. Considering his submission which is in form of allegation it would be proper to refer the matter to the Hon'ble Court for ascertain that the citation to Bhupenderdeep Johal is properly issued and served or not. Ld. Advocate for the petitioner requested to keep the matter in the second session. Hence, the matter is kept in the second session.

3. In the second session, Ld. Advocate for the Petitioner showed the affirmed affidavit along with the certificate of National Trust Act, 1999. However, it is yet to be uploaded in the portal.

4. Furthermore, another petition filed by the petitioner in respect of the spouse of the presence deceased, having No. TP/1371/2025 is not listed today. Hence, this petition be listed along with the said petition.

5. S. O. to 05.12.2025

02.12.2025

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