

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 25th September, 2025

FOR HEARING :

92. TP/1374/2025 P. C. : Shri. Mohit Bharadwaj a/w Shri. Vinod Prajapati Ld.
(AMH2021005219 Advocate for the Petitioner
8C202500006)
with
WILL/558/2025

Ms. Jaya Shewa Ld. Advocate for the one of the legal heirs
namely Neena Khatri

1. Ld. Advocate for one of the non-consenting legal heirs namely Neena Khatri appeared and submits that Neena Khatri is not residing at the address which is shown in the petition but she resides at Dubai. She further submits that address of the flat where the citation is issued or sent was occupied by her Tenant.

2. At this juncture, I made a query to the Ld. Advocate for the Petitioner about the residence of Neena Khatri. Ld. Advocate for the Petitioner replied that petitioner is aware that Neena Khatri is residing at Dubai. He further submits that Neena Khatri residing at the address given in petition and in Dubai. He further explains that other identity proof such as Adhar bears said residential address. He further showed from his mobile that he had sent citation as well as other details which was sent to Neena along with the entries in dispatch book, via Whatsapp communication.

3. It appears from the Communication that said Neena was residing at the Dubai when citation was addressed to the Neena Khatri. At this juncture Ld. Advocate for the Petitioner resisted the appearance of the Ld. Advocate of Neena. On the ground that she is not the party for the petitioner. However, Neena Khatri is legal heirs of the deceased. Furthermore, in present petition her share was directed to be justified. Therefore, it cannot be said that she is not having concerned or connection with the petition.

4. As per the Bombay High Court (O. S.) Rules, 1980 if any citation is to be issued it has to be served personally to the

person, to whom it is addressed, in view of the Rule 399 of the Bombay High Court (O. S.) Rules, 1980. No doubt, Ld. Advocate for the petitioner had lodged the citation with the Sheriff department and sheriff department had sent the citation at the given address which is returned as “unclaimed”. From Communication, which is placed before me by Ld. Advocate for the petitioner, it appears that, he informed the Neena Khatri to collect the envelopes from the post, which also shows that she was not residing at the address. This pertains to the issue of service of citation. Hence, whenever an issue arises, this authority has no power to deal with but to refer to the Court. Ld. Advocate for the petitioner may submit the printouts of the screen shot of the conversation that took place with Neena Khatri. In addition to the service of citation by regular mode as he has sent the pdf of the citation to Neena Khatri on Whatsapp. However, prior to serving the citation, he did not obtain any permission from the Hon’ble Court to serve the citation on Whatsapp. He may rectify the defect by following the due procedure.

5. Neena Khatri may take steps as per the Rule 402 and 403 as per Chapter XXVI of the Bombay High Court (O. S.) Rules, 1980.

6. Both the Ld. Advocates for the Parties to take steps as per the law.

7. S. O. to 16.10.2025

25.09.2025

**Officer on Special Duty,
with Testamentary Department**