

Ajay

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

MISCELLANEOUS PETITION NO. 415 OF 2025
IN
TESTAMENTARY PETITION NO. 2007 OF 2024

Tara Prabhakar Kamath .. Deceased
Radhika Rajendra Prabhu .. Petitioner

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• Mr. Saurabh Oka, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.
DATE : SEPTEMBER 20, 2025.

P.C.:

- 1.** Heard Mr. Oka, learned Advocate for Petitioner.
- 2.** In Misc. Petition No.415 of 2025, Mr. Oka seeks an order under Section 108 of the Evidence Act, 1872 that one of the legal heir of the deceased has been missing for more than seven years and he must be declared to be presumed dead. Prabhakar Krishnarao Kamath i.e. husband of the deceased and father of Petitioner went missing on 26.02.2008. On 03.03.2008, a missing complaint was filed with Navghar Police Station, Mulund. Police Authorities issued a certificate on 20.07.2015 stating that Prabhakar Krishnarao Kamath is still not traced or found which is appended below Exhibit 'C' at page No.20 of the Petition.

3. During his lifetime, Prabhakar Krishnarao Kamath lived in Mulund East, Mumbai. Hence

4. Out of the three legal heirs of the deceased, one of the legal heir i.e. unmarried son namely Vinayak Prabhakar Kamath pre-deceased the deceased on 19.09.2019. Hence Petitioner is the sole legal heir of the deceased.

5. Hence there is no impediment to grant of relief to Petitioner as well as to declare that the missing person be declared presumed dead. There will be an order in the Petition in terms of prayer clauses 'a' and 'b' which read thus:-

"a' That the missing person viz. Prabhakar Krishnarao Kamath i.e. the Father of the Petitioner, be declared presumed dead;

b That the Hon'ble Court be pleased to direct the office to proceed with the grant of Letters of Administration of the deceased."

6. For the purpose of grant, the Registry will proceed accordingly and will act on a server copy of this order.

7. Misc. Petition is allowed and disposed in above terms subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

[MILIND N. JADHAV, J.]

Ajay

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by AJAY
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