

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
Petition No.1133 of 2007

Late Shri Shivling Narayan Sakhare & anr. .. Deceased
And
Ramesh Shivling Sakhare .. Petitioner

Ms.Kranti S.S. Anand for Petitioner.

CORAM : SMT.ROSHAN DALVI, J.

Dated : 26th September, 2008

P.C. :

1.The Petitioner is the only surviving son of the deceased Shivling Sakhare. There are two attesting witnesses in the Will of the deceased being one Rajendra Sakhare and one Sachin Hajare. Rajendra Sakhare has expired on 16.9.1995. Sachin Hajare is stated to have been missing since 2004 in the floods in the village where he lived. The Petitioner has obtained the Affidavit of another person Namdeo Adhav relating to the execution of the Will. At present, the Petition shall proceed upon the Affidavit of Namdeo Adhav though the fact that Sachin Hajare has been missing is not established. The grant, if any, shall be at the risk of the Petitioner and may be set aside if Namdeo Adhav is not shown to be missing as stated.

[SMT.ROSHAN DALVI, J.]

