

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5291 OF 2015**

Suresh Baldevdas Talreja

..Petitioner

Vs.

Shivkumar Baldevdas Talreja & ors.

..Respondents

Mr. Hemant Ghadigaonkar for the Petitioner

Mr. Kumar Nichani i/b Ms Rajkumari Nichani for the Respondents

CORAM : R. M. SAVANT, J.

DATE : 9th SEPTEMBER, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 9-5-2014, by which order, application Exhibit 2 filed by the Defendants was partly allowed and the order dated 4-2-2015 by which order Notice of Motion No.3823 of 2014, seeking review of the order dated 9-5-2014 came to be rejected.

2 The dispute is as regards the translated copy of the Will which is allowed to be placed on record by the Trial Court. It is the contention of the Learned Counsel for the Petitioner / original Plaintiff that the said translated copy i.e. translation from Sindhi to English ought not to have been taken on record by the Trial Court as the same has done through a private translator and not from the official translator.

3 It is required to be noted that under clause (3) of the order dated 9-5-2014, the Plaintiff is directed to file the translation of the Will prepared by the expert as per his own choice on or before 26-6-2014. As indicated above, the second order dated 4-2-2015 is passed in Notice of Motion No.3823 of 2014 rejecting the said Notice of Motion for review for the reasons mentioned in the said order. In my view, having regard to the impugned orders and also having regard to the fact that the Plaintiff was granted liberty to get translation from the expert as per his own choice, the interdiction of this Court is not warranted. The Writ Petition is accordingly dismissed.

4 However, the time stipulated in clause (3) of the order dated 9-5-2015 is extended by 4 weeks from date if the Plaintiff chooses to bring translation from the expert of his choice. No further extension would be granted.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed order