

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4786 OF 2014

Dr Fanidhar Laxmanrao Gugilwar & Anr.

-vs-

Harihar Laxmanrao Gugilwar

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. A. Pande, Advocate for petitioners.

Shri R. R. Vyas, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : JULY 02, 2015

After hearing the respective counsel for sometime, it is clear from the record that in the affidavit filed by the respondent in lieu of evidence, there is no statement regarding loss of copy of the Will dated 07/10/1988. In this view of the matter, Shri R. R. Vyas, learned counsel appearing for the respondent seeks permission to withdraw the application that was filed below Exhibit-60 with liberty to take such steps as are necessary to lead secondary evidence in respect of said Will dated 07/10/1988.

Keeping the objections of the present petitioners open the respondent is permitted to withdraw application below Exhibit-60. Consequently, the order below Exhibit-60 dated 17/07/2014 does not survive. If any fresh permission is sought to lead secondary evidence, the application shall be decided on its own merits according to law.

Writ Petition is accordingly disposed of with no order as costs.

JUDGE