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

CRA No. 130 of 2013
Ramhari v. Deepak and ors

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Mr P. S. Patil, Adv for appellant
 Mr Latish Kothari, Adv for R-1

CORAM : A. P. BHANGALE, J

DATED : 24th August 2015

1. Heard learned counsel for the parties. It is the say of revision applicant that he had filed Regular Civil Suit No. 123 of 2007. That suit was dismissed and Regular Civil Appeal No. 90 of 2011 is still pending. It is brought to my notice that there was Will Deed executed by one Satyawatibai in favour of Deepak V. Jadhav, plaintiff in Regular Civil Suit No. 4 of 2012. In RCS No. 4 of 2012, prayers made are :-

“It is therefore most humbly prayed that the Hon’ble Court may be pleased to -

- i) Declare that late Satyavatabai through her last valid Regd. Will dated 27-9-2007 bequeath the suit field to the plaintiff.
- ii) Declare that the will dated 4-4-2011 alleged to have been executed by late

Satyavatabai is illegal, invalid, inoperative as the same is got prepared by the defendant No. 1 by playing fraud over late Satyavatabai & is not the outcome of the free & valid consent of Satyavatabai.

lii) restrain the defendant no. 1 from showing the ownership over the properties of late Satyavatabai on the basis of the will dated 4-4-2011.

iv) direct the defendant No. 2 to disburse the amount of compensation of the amount of sale consideration of the suit field to the plaintiff towards the acquisition or the purchase of the suit field from the plaintiff for creating the railway track.

v)....

vi)”

2. Learned counsel for plaintiff in RCS No. 4 of 2012 (present respondent no. 1) makes a statement that respondent no. 1 is not at all interested to implead present revision applicant nor he is seeking any relief against him in the said suit.

3. In view of the statement made on behalf of original plaintiff in RCS No. 4 of 2012, no interference is called for in the impugned order whereby application of revision applicant for intervention is rejected.

4. In the result, revision application is dismissed. No order as to costs.

JUDGE

joshi