

HON'BLE SRI JUSTICE DILIP B. BHOSALE

CIVIL REVISION PETITION No. 4585 OF 2014

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ORDER:

Heard learned counsel for the parties.

This C.R.P impugns the order dated 19-11-2014 passed by the Court below on I.A No.2005 of 2014 in O.S No. 526 of 2013, whereby the respondent-plaintiff's prayer for allowing her to produce photocopies of the Will dated 29-12-2010 and the letter dated 21-10-2011 on record and mark in evidence, has been allowed. The Will, according to the respondent – plaintiff was executed by the petitioner – defendant. The petitioner – defendant is the father of the respondent – plaintiff.

In view thereof, learned counsel appearing for the respondent – plaintiff fairly submits that the order impugned in the present C.R.P insofar as the Will dated 29-12-2010 is concerned, may be set aside. Insofar as the letter dated 21-10-2011 is concerned, he submits that the C.R.P may be disposed of keeping it open to the petitioner – defendant to raise the question whether signature on the photocopy could be compared with admitted signature. Learned counsel for the petitioner – defendant did not oppose the submissions. In the circumstances, this C.R.P is disposed of by the following order:

“The order dated 19-11-2014, insofar as the Will dated 29-12-2010 is concerned, is set aside and the remaining order is confirmed subject to the right of the petitioner – defendant to contend that the signature on the photocopy of the document (letter dated 21-10-2011), cannot be compared with the admitted signature.

It is open to the parties to apply for expeditious hearing of the suit before the Court below and if any such application is made, I hope and trust that the Court below shall consider the same sympathetically, having regard to the age of parties.”

With these observations, the C.R.P is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of. No costs.

DILIP B. BHOSALE, J

06-02-2015

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