

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 949 OF 2012
IN
FIRST APPEAL NO. 441 OF 2012**

Vithal Ramchandra Jadhav & Ors	...Appellants
<i>Versus</i>	
Chhabubai Tukaram Jawalkar & Anr	...Respondents

Mr Prasad Dani, Senior Advocate, i/b Ajay S Patil, for the
Applicants/Appellants.
Ms TJ Kapre, i/b JS Kapre, for Respondent No. 2.

CORAM: G.S. PATEL, J
DATED: 28th June 2017

PC:-

1. The dispute is about proof of a Will. The original Petitioners are in Appeal. They claim that there was a Will made by one Ramchandra Jahdav, father of the Petitioners and of the Respondents. By the impugned order, the learned Judge rejected the application for probate in its entirety.

2. Clearly, pending final disposal of the Appeal, the parties on both sides cannot be permitted to create third party rights in respect of the properties comprised in the estate of the deceased Ramchandra Jadhav. Given the time that has passed, it is clarified

that any dispositions that the Respondents may have purported to make will be subject to further orders in the Appeal. Neither side will henceforth create any third party rights in respect of any of the properties in the estate of the deceased without leave of the Court obtained after at least four weeks' notice to the Advocates for the either side.

3. The Civil Application is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J.)