

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2108 OF 2018

CHANDRAKANT VITHAL TALELE
VERSUS
GAJANAN S/O NAMDEV TALELE

...
Mr. Girish Rane, Advocate for petitioner
Mr. S.G. Chapalgaonkar, Advocate for respondent
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 20-06-2018

ORDER :

1. This petition has been filed by respondent in writ petition no. 7857 of 2016, whose application Exhibit - 17 similar to application exhibit - 17 in probate proceedings bearing no. 4 of 2011, has been rejected by learned 6th joint civil judge senior division, Jalgaon in probate application bearing no. 5 of 2011 in respect of will by the other aunt of petitioner in writ petition no. 2108 of 2018 i.e. respondent in writ petition no. 7857 of 2016.

2. Having regard to the reasons which have weighed with the court, particularly as referred to in paragraph no.8, and as observed by this court in order passed today in writ petition no. 7857 of 2016, the considerations which have weighed with the

court while passing order on Exhibit - 17 in probate application no. 4 of 2011, would hold good and the application accordingly will have to be allowed.

3. As such, having regard to the observations and the reasons as referred to in the order passed today in writ petition no. 7857 of 2016, present petition deserves to be allowed.

4. Writ petition accordingly is allowed in terms of prayer clauses (A) and (B) allowing application exhibit - 17 in probate application no. 5 of 2011.

5. Needless to refer to that as observed in order passed today in writ petition no. 7857 of 2016, it is left open for the parties to take up all such contentions, as are available in fact and in law.

[SUNIL P. DESHMUKH]
JUDGE

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