

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

CIVIL APPLICATION (CAS) NOS.142, 143 & 144 OF 2018
IN
SECOND APPEAL NO.408 OF 2017

Sushilabai wd/o Ramprasad Tiwari, Telipura, Sitabuldi, Nagpur

-vs-

Mahipal Natthusaoji Chouksey, Ramtek, Dist. Nagpur

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

Court's or Judge's Orders.

Shri S. A. Choudhari, Advocate for applicants.
Shri A. Gharote, Advocate for non-applicant/respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : June 12, 2018

Notice on all the applications is made returnable forthwith. Shri A. Gharote, learned counsel waives notice on behalf of the respondent.

The applicants pray that they be permitted to be brought on record as legal heirs of the sole-appellant who expired on 22/06/2017. In the application it is stated that the applicants claim right on the basis of a Will executed by the sole-appellant.

The applications are opposed by the learned counsel for the respondent firstly on the ground that delay has not been properly explained and secondly that the validity of the Will alleged to be executed by the sole-appellant has not yet been adjudicated upon.

In so far as the cause of delay is concerned, the reasons for the same are mentioned in paragraphs 3 to 5 of the application. Those reasons appear to be

acceptable and hence after condoning delay, the abatement is set aside.

In so far as rights claimed under the Will dated 03/08/2016 are concerned, the objections in that regard raised by the respondent are kept open. The impleadment as legal representatives pursuant to this Will is only for the purposes of continuing the present proceedings by arraying them as appellants. It is made clear that such impleadment would not come in the way of respondent while challenging the validity of the said Will.

Accordingly, the legal heirs of sole-appellant are permitted to be brought on record. Amendment be carried out within one week.

Civil Applications are disposed of.

JUDGE