

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

CIVIL APPLICATION 1277 OF 2017

IN

SECOND APPEAL 19 OF 2012

(Smt. Rekha wd/o. Purushottam Thakare and anr..vs..Tulsabai Raghupatrao Thakre)

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

Court's or Judge's orders.

Shri M.R. Joharapurkar, counsel for appellants.
Shri J.J. Chandurkar, counsel for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 3rd December, 2018.

For reasons stated in the application, the delay is
condoned.

Civil Application 465 of 2017

The application is allowed.

The abatement is set aside.

Civil Application 466 of 2017

By this application, the appellants are seeking to
bring on record the natural heirs of deceased respondent
sole Tulsabai Raghupatrao Thakare on record as legal
representatives.

2 The grandson of Tulsabai Shri Akshay Satish
Thakare has moved an application under Rule 10 of order I
of the Civil Procedure Code on the ground that he is the
sole legal heir as per the Will dated 30.4.2010.

3 The appellants are disputing the Will and the
assertion that Akshay Satish Thakare is the legal
representative of deceased Tulsabai Thakre.

4 In view of the rival contentions and the nature of
the dispute, it would be necessary to direct the first
Appellate Court (Ad-hoc District Judge-1, Amravati) to
determine the question of the validity of the Will dated
30.4.2010 on which reliance is placed by Akshay Satish
Thakre and to return the records together with the evidence
and with its findings and reasons therefor to this Court,
within two months.

5 The parties shall appear before the Ad-hoc
District Judge-1, Amravati on 10.12.2018.

6 The Registry to ensure that the record and
proceeding be transmitted to the Ad-hoc District Judge-1,
Amravati, forthwith.

JUDGE

RSB