

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5603 OF 2019

LILADHAR BHAGWAT BORSE

VERSUS

ANUSAYABAI BHAGWAT BORSE AND ANOTHER

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Advocate for the Petitioner:Mr.Shaikh Mohammad Naseer A

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 3rd December, 2019.

PER COURT :-

1. The petitioner seeks to challenge the order dated 06/06/2018 passed by the Trial Court by which, it has rejected application Exhibit-78 filed by the petitioner – judgment debtor in Regular Darkhast No.6/2007. In the executing proceedings, the judgment debtor claims to have come-across a certified copy of a Will-Deed. By application Exhibit 78, it was prayed that the certified copy be exhibited. The Trial Court has permitted the petitioner to lead evidence and prove

the contents of the Will Deed after which, the request for exhibiting the document would be considered.

2. The Honourable Apex Court has laid down the law in the matters of *Syed Yakoob Vs.K.S.Radhakrishnan and others [AIR 1964 SC 477]* and *Surya Dev Rai Vs. Ram Chander Rai [2003(6) SCC 682]* that unless an order appears to be grossly erroneous, perverse and likely to cause grave injustice, there shall be no interference under the supervisory jurisdiction of the High Court.

3. Considering the above and since the petitioner is granted a liberty to lead evidence to prove the contents of the documents, this petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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