

ISM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6456 OF 2019

Ashok Nagnath Togare and anotherPetitioners

V/s.

Chandrakant Krishanath Jevare and othersRespondents

Mr. Samir Kumbhakoni for the petitioner

Mr. Mohammad S. Mulla for respondent no. 3

Mr. Vikas Kolekar for respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE : OCTOBER 11, 2019.

P.C.

The order impugned dated 05/03/2019 permitting addition of non applicant no. 3 to the proceedings initiated under Section 372 of the Succession Act does not warrant any interference as respondent no. 3 has based his prayer for impleadment, on the Will dated 02/03/2018 which was produced alongwith application Exhibit 22.

2 As such, petition is dismissed with liberty to the petitioner to contest the said Will which opportunity of course the learned Civil Judge shall offer before deciding proceedings under challenge.

[NITIN W. SAMBRE, J.]