

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

SECOND APPEAL NO.60 OF 2019

(Smt. Durpatabai wd/o Dajiba Petkar (dead) thr. LR's Nagesh Dajiba Petkar and
others Vs. Venutai w/o Moreshwar Nagdeve (dead) thr. LR's Moreshwar s/o Natthuji
Nagdeve and others)

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

Court's or Judge's orders.

Shri S.A. Marathe, Advocate for Appellant.

CORAM: ROHIT B. DEO, J.

DATE: 25th APRIL, 2019.

Heard.

2] **Admit**, on the following substantial questions of
law:

[i] Whether the will Exh.82 is proved in
the teeth of the admission of the only
attesting witness that the other
attesting witness has not signed on the
will?

[ii] Whether the registration of the will
dilutes the requirement of proving the
attestation as is the mandate of section
68 of the Indian Evidence Act?

3] Call for R & P.

4] Shri A.A. Dhawas, the learned counsel waives
service for respondent 1A to 1D.

Civil Application (CAS) No.131/2019:

Since the second appeal is admitted on the substantial questions of law, the judgment and decree in Regular Civil Appeal 43 of 2008 is stayed to the extent the counter claim of defendant Venutai – represented by her legal heirs, is allowed.

JUDGE

NSN