

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

WRIT PETITION NO.8103/2019

Faimida Bi Wd/o AbdulRashid, @ Faimida Bi D/o Syed Nasir and another
Vs.
Hamidabi wd/o Sakawatali Hamidabai wd/o Abdul Rashid and another.

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

Court's or Judge's Orders.

Shri R.S.Thakare, Advocate for petitioners.

CORAM : A.S.CHANDURKAR, J.

DATED : DECEMBER 11, 2019.

The challenge raised in this petition is to the interlocutory order passed below Exhibit 33 by which the request made by the petitioners that certain statements made by witness no.3 in the affidavit be discarded.

It is seen that the proceedings in question are with regard to grant of probate. It is open for the petitioners to argue before the trial Court that such statements as made in the affidavit in lieu of evidence of witness no.3 are not liable to be taken into consideration when the matter is finally argued.

By observing that the petitioners are at liberty to raise this contention at the final arguments of the proceedings, I am not inclined to interfere in writ jurisdiction. All points raised in the writ petition are kept open. The writ petition is dismissed. No costs.

JUDGE

Andurkar.