

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO.5 OF 2016

Vinod s/o. Ramkrushna Zare,
Age : 44 years, Occ. Agri.,
r/o. Mukundwadi,
Aurangabad

..Applicant

Vs.

The State of Maharashtra,
Through the Collector,
Aurangabad

..Respondents

Mr.M.B.Ubale, Advocate for applicant

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 01, 2021**

PER COURT :-

Heard.

2. The applicant claims to be a legatee under a will allegedly executed by one Pandurang Tukaram Sonawane on 03.06.2010. The applicant preferred an application for grant of a probate of the said will. The application came to be rejected. He, therefore, preferred an appeal. He has been unsuccessful in the said appeal.

3. Section 222 of the Indian Succession Act, 1925, speaks of grant of probate only to appointed executor. Section 222 reads thus :-

222. Probate only to appointed executor.—

(1) Probate shall be granted only to an executor appointed by the Will.

(2) The appointment may be expressed or by necessary implication.

4. Perusal of the will would indicate the applicant to have not been appointed as an executor. The applicant claims to be a legatee under the will. He may file a suit to establish his claim under the will. This Revision Application is devoid of merit. The same is, therefore, rejected.

[R.G. AVACHAT, J.]

KBP