

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

WRIT PETITION NO.442 OF 2018

Smt. Shakuntalabai @ Shakunbai wd/o Narayanrao Wanjale

Vs.

Smt. Mohanibai Sukhdev Dhanole and another

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

Court's or Judge's orders

Mr. K. D. Shukla, Advocate for petitioner/applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/10/2021

Civil Application (W)No.581 of 2020 and
Civil Application (W) No.582 of 2020

Though Mr. Sakhare, learned counsel for the respondent No.1 has been served the notice of the civil applications, is absent. None appears for respondent No.2 though served.

2. Civil Application No.581 of 2020 is an application for condonation of delay filed by the legatee of the deceased petitioner Smt. Shakuntalabai, who had executed a Will on 01.07.2014, in which, the suit property has been bequeathed to Dilip Krushnarao Sakhale, who has filed the present application for impleading him as the legal heir of the deceased petitioner on the basis of the aforesaid Will. In spite of service, none appears for the respondents. The application for condonation of delay for the reasons given therein, is allowed and so also the application for impleading the said Dilip Krushnarao Sakhale in place of

the deceased petitioner as legatee of the petitioner under the Will dated 01.07.2014 is also allowed.

3. It is however, made clear that, this would not mean that the Will dated 01.07.2014 would stand proved as this exercise shall have to be done before the Trial Court by leading proper evidence and the impleadment is only for the purpose of proceeding with the present matter.

4. Civil Application Nos.581 of 2020 and 582 of 2020 are accordingly allowed in the above terms.

5. The appropriate amendment be carried out within a period of two weeks from today. On the amendment being done, amended copy be supplied to Mr. Sakhare, learned counsel for the respondent No.1 and notice be issued to the respondent No.2, **returnable in two weeks**, thereafter.

JUDGE