

Anand

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

WRIT PETITION 9127 OF 2019

Narendra Kundlik Thorat .Petitioner

Vs.

Kundlik Laxman Thorat .Respondents
(Since deceased through Lrs.) & ors.

Mr. Vilas B. Tapkir, Advocate, for the Petitioner
Mr. P. D. Dalvi, Advocate a/w. Ms N. P. Borate &
Mr. Rushikesh Patil i/b. Mr. G. R. Agrawal, for the
Respondents

CORAM : ROHIT B. DEO, J.

DATE : 25.07.2022

P. C.

. The challenge in the Petition is to an adjudication under O. XXII, Rule 5 of the Code of Civil Procedure, 1908 (for short 'CPC').

2. The learned counsel for the Petitioner submits that since the adjudication is only for the limited purpose of deciding prima facie entitlement to be brought on record as legal representative of the deceased - Kundlik Laxman Thorat, the Petitioner may be permitted to withdraw the Petition with liberty to challenge the Will allegedly executed

by the deceased - Kundlik Laxman Thorat.

3. The Petition is disposed of with liberty as prayed.

4. Needless to observe every contention raised in the Petition is kept expressly open for the Court to decide, if and when the Petitioner takes out appropriate substantive proceedings questioning the Will.

(ROHIT B. DEO, J.)