

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

SECOND APPEAL NO. 276 OF 2022

Nirmala Narayan Bendre __ Vs. __ Bhaurao Bhmrao Shamgule thr L.Rs and ors

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

Court's or Judge's orders

Mr. P.S.Patil, Advocate for appellant

CORAM : AVINASH G. GHAROTE, J.

DATE : 19/09/2022

1] Heard Mr. Patil, learned counsel for the appellant.

2] The only ground raised is regarding the proving of the Will dated 12.3.1983 Exh.200, on the basis of the evidence of the attesting witness Vishwanath Bhangwansa Danwant (at Exh. 199, pg.81). Both the Courts have held that the Will has been duly proved by the attesting witness examined below Exh.199.

3] Mr. Patil, learned counsel for the appellant by inviting my attention to the cross examination of the attesting witness, submits that the Will was signed by the executant a day earlier and the signatures of the attesting witnesses were taken on the next day. That is the only ground raised.

4] A perusal of the cross examination (pg. 85) does not indicate the above contention to be correct, for

the reason that what has been stated is that the signature of Bhimrao, the executant was prior to the signature of the attesting witnesses, which would indicate that his signature was just before the signature of the attesting witnesses. In the examination in chief, it has been specifically stated that the executant Bhimrao had given the requisite information for drafting the Will to the Scribe, who had drafted the Will and read it in the presence of the executant as well as the witnesses, and the executant in presence of the witnesses had signed the same. The cross examination does not indicate anything otherwise, considering which in my opinion, no substantial question of law is made out. The appeal is without any merit and is dismissed. No costs.

JUDGE

Rvjalit