

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

WRIT PETITION NO. 4985 OF 2022

Harish Khairajmal Jaswani -Versus- Naresh Kairajmal Jaswani and anr

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

Court's or Judge's orders

Mr.K.H.Anandani, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/08/2022

1] Heard Mr. Anandani, learned counsel for the petitioner.

2] The petition challenges the order dated 1.7.2022 passed below Exh. 33 whereby the application filed by the plaintiff for issuance of witness summons to the Deputy Superintendent of Land Records, Akola, to ascertain whether the property belongs to the Government and is a leased property, has been refused by the learned Trial Court.

3] Admittedly, the suit which is filed is a suit challenging the legality and validity of a Will dated 8.12.2014. In such a suit, the question of the nature or status of the property cannot be an issue which is germane for deciding the legality and validity of the Will, in view of which I do not find any reason to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date: 22.08.2022 14:59