

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

SECOND APPEAL NO.220/2022

Nilesh Subhashrao Mankar and others

Vs.

Smt. Babita Shailesh Mankar and another

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

Court's or Judge's orders

Shri M.V. Bute Advocate for appellants

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 03/02/2023

Heard learned Counsel for the appellants. There are concurrent findings recorded by both the Courts below. It is the case of the appellant who is original defendant that Shailesh Mankar, husband of respondent, original plaintiff committed suicide and had left a suicide note that his property should not be given to his wife. Learned Trial Court rightly observed that Exh.67 – suicide note was seized by police as per seizure memo at Exh.80. It was seized from defendant No.1 i.e. present appellant. Exh.80 – seizure memo is prepared on 13/06/2002. Before execution of Exh.80, inquest panchanama Exh.79 was prepared. However, Exh.79, has no reference about any such note. As such, Exh.67, was not there on the body of deceased when inquest panchanama

was carried out. The learned Appellate Court also confirmed the said finding and also held that suicide note can not be treated as a Will. The finding in regard to the entitlement of plaintiff is duly proved by the plaintiff and confirmed by Appellate Court. In view thereof, there is no substantial question of law involved in the present appeal. Hence, the appeal is liable to be rejected. Accordingly appeal stands dismissed.

(SMT. M.S. JAWALKAR, J.)