

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

CIVIL APPLICATION (CAS) NO.997/2023
IN
SECOND APPEAL ST. NO.14527/2023

Harihar Wamanrao Mankar
 Vs.
 Yashodabai Wamanrao Mankar and ors.

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

Court's or Judge's orders

Ms S.W. Deshpande, Advocate for appellant
 Shri B.D. Vora, Advocate for respondent Nos.1, 2 & 3(a) to 3(d).

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 05/10/2023

The present application is filed for condonation of delay in filing Second Appeal. It appears that there is delay of 21 days in filing Second Appeal. Due to the ill health of the appellant and appellant being old aged person of 69 years, delay has been caused for the reasons put-forth which are justifiable. Accordingly, the application is allowed.

2. Though, the application is opposed by the learned Counsel for respondents, the delay in filing Second Appeal is hereby condoned.

3. The Registry is directed to register the Second Appeal.

4. The application stands disposed of accordingly.

SECOND APPEAL ST. NO.14527/2023

1. List the matter for admission on 18/10/2023 on following substantial question of law:

“Whether both the Courts below are justified in discarding the ‘Will’, purporting to be suspicious signature, particularly when the witness of the ‘Will’ dated 06/10/1991, at Exh. 92 has duly proved by examining the attesting witness as per the requirement of Section 68 of the Evidence Act and Section 63 of the Indian Succession Act and the credibility of the witness has not been shaken during cross examination when read as a whole?”

2. The learned Counsel for appellant to serve copy of appeal memo to the respondents along with application.

JUDGE

R.S. Sahare