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

WRIT PETITION NO. 6097 OF 2023

(Smt. Monika w/o Pandhari Kamble and others...Vs... Ghanshyam s/o. Tanba Patil and another)

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

Court's or Judge's Orders

Mr. J.M. Gandhi, counsel for petitioners.
Mr.A.V. Bhide, counsel for respondent Nos. 1 & 2.

CORAM : AVINASH G. GHAROTE, J.
DATE : 14-12-2023

Heard Mr. J.M. Gandhi, learned counsel for petitioners.

2. The petition questions the rejection of the objection raised by the present petitioners to exhibit 40 a list of partition dated 15.5.1999, which is executed in respect of the part of the property in question.

3. Mr. J.M. Gandhi, learned counsel for petitioners by inviting my attention to the document dated 15.5.1999 (page 47), contends that it is in fact a will and not a list of partition on the ground that it indicates the names to be recorded after his demise.

4. Perusal of the document, indicates that it records a partition which has been effected in the year 1992 in respect of Gat No. 113. such recording has

been done on 15.5.1999. Merely because it contains an averment that mutation should be done after demise of the original owner, that by itself would not make it a will. I therefore, do not see any reason to interfere in the impugned order dated 24.7.2023 by which the objection to the exhibition of Exh. 40 has been rejected. Petition is dismissed. No costs.

[AVINASH G. GHAROTE, J]

Belkhede