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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3337 OF 2023
WITH
INTERIM APPLICATION NO. 10589 OF 2024
IN
SECOND APPEAL NO. 253 OF 2023**

Haribai Dhondiram Salunkhe since ... Applicant/Appellant
Deceased thr her Lrs

vs.

Eknath Sitaram Nalawade ... Respondent

Mr. Dilip Bodake, for Applicant/Appellant.

Mr. Nkhil Wadikar, Mr Ankush Jaiswal i/b. Nandu Pawar through VC,
for Respondent.

CORAM : GAURI GODSE, J.

DATED : 24th JULY 2024

ORDER:

SECOND APPEAL NO. 253 OF 2023

1. Heard learned counsel for the parties. Second Appeal is admitted on the following substantial questions of law:

- I) Whether the First Appellate Court erred in not recording specific findings regarding eliminating all the suspicious circumstances as recorded by the Trial Court for not accepting the Will to be a validly executed Will?

II) Whether the defendant's contentions regarding the plaintiff not residing with Dhondiba and proceedings between the parties regarding maintenance could have been treated as a ground to accept the Will as a valid Will, without recording specific findings on suspicious circumstances as recorded by the Trial Court.

2. Mr. Wadikar, waives notice on behalf of the respondent.
3. Call for records and proceedings.
4. Printing is dispensed with.
5. Appellant shall file private paper-book within a period of one year from today.

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6. Rule on interim relief in terms of prayer clause (a) is made returnable after eight weeks.
7. Till next date ad-interim relief in terms of prayer clause (a).

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8. By this application, the applicant seeks leave to delete the name of deceased-appellant no.1a on the ground that the names of his heirs and legal representatives are already on record in different

capacities as appellant nos. 1b and 1c. For the reasons stated in the application, it is allowed in terms of prayer clause(a).

9. Amendment to be carried out within four weeks.

(GAURI GODSE, J.)