

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16101 OF 2023

Tukaram Dadu Kambale

.. Petitioner

Versus

Pratap Maruti Kambale & Ors.

.. Respondents

-
- Mr. Mandar G. Bagkar i/y Mr. Chetan G. Patil for Petitioner
 - Ms. Sandhya Mailagir for Respondents
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 17, 2024

P. C.:

1. Heard Mr. Bagkar, learned Advocate for Petitioner and Ms. Mailagir, learned Advocate for Respondents.

2. Pursuant to the order passed on 08.04.2024, Mr. Bagkar would submit that he has taken instructions from Petitioner that Petitioner would be in a position to produce the original Will in respect of which the summons were issued by the Trial Court. The original Will shall be produced before the Trial Court within a period of two weeks from today. Learned Trial Court shall mark the original Will as exhibit and accordingly proceed in accordance with law.

3. In view of the above, the impugned order dated 17.03.2023 is unsustainable. The said order is quashed and set aside.

4. In view of the fact that Regular Civil Suit No. 340 of 2018 is filed in the year 2018 and both the litigating parties are more than 80 years old, learned Trial Court is requested by this Court to dispose of RCS No. 340/2018 as expeditiously as possible and in any event within a period of six months from today strictly in accordance with law. Parties shall co-operate with the Trial Court and shall not seek unnecessary adjournments unless absolutely necessary due to certain emergency or exigency. All contentions of the parties are expressly kept open.

5. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2024.04.17
18:38:38
+0530