

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3455 OF 2024

Dilip Shamrao Doiphode

.. Petitioner

Versus

Rajashri Shamrao Doiphode & Ors.

.. Respondents

-
- Mr. Dilip Bodake for Petitioner

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 13, 2024

P. C.:

1. Heard Mr. Bodake, learned Advocate for Petitioner.
2. Present Writ Petition takes exception to the order dated 27.11.2023 passed by learned Trial Court in Application below Exh. 14 whereby the Application for stay to the further proceedings of Probate Application No. 5 of 2022 came to be rejected.
3. Mr. Bodake would submit that the challenge maintained to the said order is covered by the decision of this Court in the case of **Lucky Hastimal Chandak Vs. Govardhandas Ramgopal Chandak¹**.
4. An arguable case is made out by Mr. Bodake for issuance of notice and for calling for reply from Respondents.
5. Issue notice to the Respondents made returnable on 27.03.2024. Humdast permitted. In addition to Court's notice, Petitioner is

¹ 2011(4) Mh.L.J. 744

directed to serve copy of the Petition along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner.

6. Respondents are directed to remain present either themselves or through their Advocate on the next adjourned date. It is made clear that if Respondents remain absent despite service on the next adjourned date, this Writ Petition shall be heard and disposed of at the stage of admission in the absence of the Respondents.

7. In the meanwhile, learned Trial Court is requested by this Court to defer the hearing of the proceedings before it to enable this Court to determine the present Writ Petition at the stage of admission.

8. Stand over to **27th March, 2024.**

[MILIND N. JADHAV, J.]

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by RAVINDRA
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AMBERKAR
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