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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12067 OF 2024

Hemchandra Bhaskar Vaidya

.. Petitioner

Versus

Snehalata Sadashiv Kanade and Ors.

.. Respondents

-
- Mr. Jayesh M. Joshi, Advocate for Petitioner.
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 02, 2024.

P.C.:

- 1.** Heard Mr. Joshi, learned Advocate for Petitioner. Mentioned at the time of rising of Court due to urgency expressed by Mr. Joshi.
- 2.** In the present Writ Petition, impugned order dated 01.08.2024 passed below Exhibit “67” in Special Civil Suit No.200142 of 2012 is at page No.19 of the Writ Petition.
- 3.** One of the grievance expressed by Plaintiff is that the Trial Court has refused to mark the photocopy of the Will which is referred to and relied upon by both the parties in their respective pleadings. Application filed by the Plaintiff for exhibiting the photocopy of the Will filed by the Plaintiff below Exhibit “67” stands rejected.
- 4.** It is seen that, if both the parties have relied upon the said document i.e. Will in their pleadings, then the learned Trial Court

ought to have taken it on record. Mr. Joshi would submit that Defendants are in the custody of the original Will and hence it was incumbent upon by the learned Trial Court to direct the Defendants to produce the said Will on record.

5. An arguable case has been made out by Mr. Joshi for issuance of notice and immediate stay of the proceedings before the Trial Court since he would submit that the proceedings are slated for final hearing tomorrow.

6. In view of the above, issue notice to Respondents. Humdast permitted.

7. In addition to Court notice, Petitioner is permitted to serve a copy of the Writ Petition and 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.

8. After receiving notice, Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before the next date, if so desired.

9. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.

10. Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocate.

11. In the meanwhile, hearing in the Suit proceedings before the learned Trial Court shall be deferred until the present Writ Petition is determined by this Court.

12. Stand over to 9th September 2024.

[MILIND N. JADHAV, J.]

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