



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

CIVIL APPLICATION (CAO) NO.1524/2023
IN
MISC. CIVIL APPLICATION (REVIEW) ST. NO.24137/2023
IN
WRIT PETITION NO.5766/2019 (D)

Smt. Ishrat Sultana Wd/o Mohd. Shafi and others
...Versus...
Smt. Jameela Begum Wd/o Mohammad Rafique and others

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

Court's or Judge's orders

Mr. N.S. Khubalkar, Advocate for applicants

CORAM : AVINASH G. GHAROTE, J.
DATE : 03/05/2024

1. Heard Mr. Khubalkar, learned counsel for the applicants.
2. For the reasons stated in the application, the delay in filing the application for review is condoned. The civil application is allowed and disposed of accordingly. No order as to costs.

MISC. CIVIL APPLICATION (REVIEW) ST. NO.24137/2023
IN
WRIT PETITION NO.5766/2019 (D)

1. Heard Mr. Khubalkar, learned counsel for the applicants.

2. A plea has been raised that under the Mahomedan Law there is no necessity for examining a witness for proving of Will and the matter has been decided on the basis that Section 63 of the Indian Succession Act, 1925 applies, which according to the learned counsel for the applicants, which is an incorrect premise.

3. Issue notice to the non-applicants for final disposal, returnable after summer vacation.

4. In addition to the regular mode of service, the applicants are permitted to serve the non-applicants by all modes of service, permissible in law including Hamdast.

5. The applicants are at liberty to mention after service upon the non-applicants.

(AVINASH G. GHAROTE, J.)