



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

WRIT PETITION NO. 87 OF 2024

(Laxmibai wd/o late Durgaiya Pocham Sullewar & Ors.
Vs.
Aruna ex. w/o late Durgaiya P. Sullewar & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Neelam A. Biala, Advocate for the Petitioners.
Ms. Padma M. Chandekar, Advocate for the Respondent No.1.
Mr. Vijay A. Bramhe, Advocate for the Respondent No.2.

CORAM: BHARAT P. DESHPANDE, J.

DATED : 20th MARCH, 2024

Heard.

2. The order challenged in the present petition is dated 28.08.2023 passed by the learned 2nd Jt. Civil Judge Senior Division, Nagpur on Exh. 46 in Succession Case No.8/2021. By this order, the learned Trial Court has rejected the application filed under Order 39 Rule 2-A read with Section 151 of the Code of Civil Procedure.
3. The alternative efficacious remedy is available with the petitioners by way of filing an appeal under Order 43 Rule 1 of the Code of Civil Procedure (Bombay Amendment), wherein such order could be challenged effectively.
4. The petitioners are given liberty to approach the

learned First Appellate Court by filing an appeal against the impugned order dated 28.08.2023.

5. If the appeal is filed within a period of 15 days from today, the respondents will not raise a question of limitation and the learned First Appellate Court shall decide the appeal on its own merit.

6. The Petition stands **disposed of** in the above terms.

7. Pending application/s, if any, shall stand disposed of accordingly.

(BHARAT P. DESHPANDE, J.)