



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2926 OF 2025**

Mayur Sharad Munishwar ... Petitioner
versus
Vasant Gangadhar Munishwar (deceased)
through legal heirs and Ors. ... Respondents

Mr. Bhushan Walimbe with Mr. Mayank Tripathi, for Petitioner.
Mr. Shashank Mangle (through VC) for Respondent Nos.1A to 1C and 2.

CORAM: N.J.JAMADAR, J.

DATE : 17 MARCH 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 16 January 2025 passed by the learned Civil Judge on an application (Exh. 143) to admit and exhibit the Will dated 5 September 2005 and the Codicil dated 6 September 2005 (Exhibits 3/1 and 3/2 respectively), whereby the said application came to be rejected.
3. Learned Counsel for Respondent Nos.1A to 1C and 2 fairly submits that the learned Civil Judge has incorrectly proceeded on the premise that the said Will and Codicil were not shown to the witnesses who were examined in proof of the said Will and Codicil.
4. In view of the statement on behalf of Respondent Nos.1a to 1d and 2, the Court does not consider it necessary to issue notice to Respondent Nos.3

to 5.

5. Learned Counsel for the Petitioner invited attention of the Court to the evidence of Witness Nos.2 to 4, which indicates that the Will and Codicil were shown to the witnesses.

6. In this view of the matter, the impugned order cannot be sustained.

7. The impugned order dated 16 January 2025, thus, stands quashed and set aside.

8. The application (Exhibit 143) stands remitted back to the Trial Court for afresh decision in the light of the statement made on behalf of Respondent Nos.1A to 1C and 2 and the depositions of the witness Nos.2 to 4.

9. The learned Civil Judge is requested to hear and decide the said application afresh after providing an opportunity of hearing to the parties, as expeditiously as possible, and preferably within a period of one month from the date of communication of this order.

10. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)