

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 119 OF 2010**

Santram Jaisingh Bhui ..Applicant
Versus
Bhagirathibai Rajaram Bhui & Anr ...Respondents

Mr. S.S. Patwardhan, for the Applicant.
Mr. R. M. Haridas, with Nakul Vivek Shukla, i/b Prasad Kulkarni, for
Respondent No.1.

CORAM: N. J. JAMADAR, J.
DATED : 18th MARCH 2025

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this Application is to an Order of 20th August 2009, whereby an Application preferred by the respondent to implead him as a legal representative of the deceased plaintiff (Exhibit “74”) came to be allowed.
3. The respondent had propounded a Will. The petitioners contested the genuineness, legality and validity of the said Will.
4. By the impugned order, the learned Civil Judge was persuaded to allow the respondent to implead him as a legal representative of the deceased plaintiff, observing that the term ‘legal representative’ was wide enough to include the Executor of the deceased Testator.

ARUN
RAMCHANDRA
SANKPAL

Digitally signed by
ARUN
RAMCHANDRA
SANKPAL
Date: 2025.03.21
15:01:52 +0530

5. During the pendency of the Revision Application, the respondent has obtained Probate of the said Will. The Applicants have filed a proceeding for revocation of the Probate. The Court was informed that the said proceeding is also sub judice before the Civil Judge, Senior Division, Madha.

6. In view of the aforesaid development, it would be in the fitness of things that the petition for revocation of the Probate is decided prior to RCS No. 65 of 1998. The outcome of the said Revocation Petition may have a bearing upon the rights of the parties in RCS No. 65 of 1998.

7. In view of the above, with the consent of the parties, Civil Revision Application stands disposed with a request to the learned Civil Judge seized with Revocation Petition No. 1 of 2024, to decide the Revocation Petition as expeditiously as possible and preferably within a period of six months from the date of communication of this order.

8. After the Revocation Petition is decided, the proceeding in RCS No. 65 of 1998 be commenced and the said Suit be decided on its own merits and in accordance with law, expeditiously.

9. Application disposed.

[N. J. JAMADAR, J.]