

Jvs.

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

WRIT PETITION NO. 637 OF 2016

Gourihar Alias Sunil Shivappa Alatekar }	Petitioner
versus	
Balkrishna Shivappa Alatekar }	Respondent

Mr. Mandar Limaye for petitioner.

Mr. Vijay Killedar for respondent.

CORAM: ALOK ARADHE, C. J.

DATE: JULY 10, 2025

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VISHWANATH
SALUNKE
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ORAL ORDER:

1. In this petition under Article 227 of the Constitution of India, the petitioner has challenged the validity of the judgment and order dated 30th July 2015 passed by the Civil Judge, Senior Division, Sangli, by which, the application preferred by respondent was allowed and the probate issued in the name of the petitioner, on the basis of the Will dated 7th September 1998, has been revoked on the ground that the petitioner has failed to implead all the legal heirs as parties to the proceedings and has not taken any efforts to serve personal notice to them.

2. Learned counsel for the petitioner submits that the respondent is the stepbrother of the petitioner and was aware about the execution of the Will. It is further submitted that the respondent was impleaded already in the proceedings and had noticed all the proceedings. Therefore, the impugned order deserves to be set aside.

3. On the other hand, learned counsel for the respondent has supported the order of the Trial Court.
4. I have considered the rival submissions and perused the record.
5. Admittedly, the respondent is the stepbrother of the petitioner. From a perusal of the application, it is evident that the respondent was not impleaded as party respondent to the application seeking probate and the respondent was also not served with the notice of the proceedings. The Trial Court, on the basis of the aforesaid relevant facts, has passed the impugned order, which neither suffers from any jurisdictional infirmity nor any error apparent on the face of the record. The order passed by the Trial Court does not call for interference of this Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.
6. In the result, the writ petition fails. The same is hereby dismissed.

(CHIEF JUSTICE)