

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.395 OF 2025

WITH

INTERIM APPLICATION NO.9275 OF 2025

Meena Subhash Todkar & Anr.

...Appellants

Versus

Nalini Subhash Todkar AND Ors.

...Respondents

Ms. Janhavee Joshi and Mr. Mohan B. Jadhav with D.B. Dixit,
Advocate for Appellants

Mr. V.R. Gaikwad, Advocate for Respondent Nos. 1 and 2.

CORAM: MADHAV J. JAMDAR, J.

DATED : 6th August 2025

P.C.:

1. At the outset, Mr. Gaikwad, learned Counsel appearing for the Respondent Nos. 1 and 2 submitted that although he is appearing in the matter as he has filed Caveat, however, inspite of messages, the Respondents are not giving him instructions and therefore, he will be taking steps seeking withdrawal of his appearance.

2. Heard Ms. Joshi, learned Counsel appearing for the Appellants.

3. Following substantial questions of law arise for determination :-

(i) Whether the finding recorded by the learned Trial Court as confirmed by the learned First Appellate Court that the Appellants i.e. the Plaintiffs failed to prove the marriage between the Appellant No.1- Meena Subhash Todkar and deceased Subhash Todkar is in accordance with the evidence on record ?

(ii) Whether in any event, both the learned Courts have committed illegality and irregularity in dismissing the proceedings for issuing succession certificate atleast as regards Swapnil, who is admittedly the son of deceased- Subhash Todkar?

4. In view of the controversy involved in the Second Appeal and in view of above substantial questions of law, issue notice to the Respondents for final disposal of the Second Appeal at admission stage returnable on **10th November 2025**. Notice to indicate that subject to the convenience of the Court, the Second Appeal will be heard finally at the stage of admission.

5. Till next date, parties shall maintain status-quo.

(MADHAV J. JAMDAR, J.)