



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

WRIT PETITION NO.4288 OF 2024

N. K. RAMDAS, THR. HIS LRS.
VERSUS
N. KAILASAN SON OF V. NATESAN

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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Mr. Shraddhanand Bhutada a/w Mr. Yash Maheshwari,
Advocate for Petitioners.
Mr. N.H. Shams, Advocate for Respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATED : 29th SEPTEMBER 2025

1. Heard learned Advocate for the petitioners.
2. The limited controversy in the instant petition is about proving and exhibiting the document of Will, as referred in the impugned order dated 08th July 2024, passed by trial court, at Exhibit 95, in Spl.C.S. No.202 of 2011.
3. Learned Advocate for the petitioners submits that in view of the order passed by this Court in another proceeding, which reached up to this Court vide Writ Petition No.1399 of 2019, in between the same parties, with respect to the same document of Will, the trial court ought to have allowed the petitioners' application dated 08th July 2024 (Exhibit 95), for admitting the document of Will in evidence.
4. Mr. N.H. Shams, Learned Advocate for the respondent fairly submits that, in view of the order passed by this Court in Writ Petition No.1399 of 2019, there is no dispute about the existence and contents of said document of Will and it needs to be exhibited so that

the trial can proceed further. He, therefore, does not oppose the petition.

5. In view of this, the writ petition needs to be allowed. So also, considering the fact that the parties are contesting the above referred civil suit since 2011, it is desirable that the proceedings of the said civil suit are expedited and decided in time bound manner. Hence, following order is passed.

ORDER

- I) The Writ Petition is allowed.
- II) The order dated 08th July 2024, passed by learned 14th Joint Civil Judge Senior Division, Nagpur, at Exhibit 95, in Spl.C.S. No.202 of 2011, is quashed and set-aside.
- III) The application filed by the petitioners/defendants at Exhibit 95 in Spl.C.S. No.202 of 2011, is allowed.
- IV) The trial court is directed to exhibit the document of Will.
- V) Considering the controversy involved, the trial court is directed to decide Spl.C.S. No.202 of 2011, within a period of six months from today.
- VI) Parties are directed to co-operate for early decision of the suit and avoid adjournments.

(PRAFULLA S. KHUBALKAR, J.)