



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

Second Appeal No.317 of 2025

Smt. Darshana w/o Dhananjay Rajurkar and another
vs.

Smt. Sheela Sambhajirao Katkade (Dead), through L.Rs. and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. P.S. Wathore, Advocate for the Appellants.

CORAM : **ROHIT W. JOSHI, J.**
DATE : **7th NOVEMBER, 2025.**

Heard.

02. The present second appeal arises out of a suit for partition and separate possession. The appellants are the original defendants. The appellants claim right over the suit property on the basis of registered Will dated 21/12/1970 executed by late Jaisingh Rao, registered Will dated 13/05/1986 executed by one deceased-Rajan and notarized Will dated 20/04/2008 executed by late Sulochanabai, mother-in-law of defendant No.1.

03. Perusal of the judgments by both the learned Courts will demonstrate that original Wills are not filed on record and no steps were taken in order to lead secondary evidence with respect to the said Wills, copies thereof were only placed on record. Likewise, perusal of the judgments will also indicate that attesting witnesses to the Wills in question were not examined. Perusal of the judgments will further demonstrate that defendant Nos.1 and 2 failed to establish that the attesting witnesses were no more or were not available for recording their evidence.

04. In view of the aforesaid, no case for interference is made out with concurrent judgments and decrees passed by the learned Courts. The second appeal is, therefore, dismissed with no order as to costs.

**sandesh*

JUDGE