



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

WRIT PETITION NO.889/2025

Ujwala Hemant Kshirsagar .Vs. Dr. Ragini d/o Pradip Kshirsagar and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. D. Samel, Advocate for petitioner.

Mr. N. R. Jadhav, Advocate for respondent Nos. 4 and 5.

CORAM : ANIL L. PANSARE, J.

DATE : FEBRUARY 18, 2025

Heard.

2. The Trial Court has put up burden on plaintiff to prove that the Will executed in favour of defendant No.1 - respondent No.1 herein is a fraudulent act. The contention is that in terms of the settled position of law, the burden to prove that the Will is genuine is always on the propounder of the Will, in the present case, respondent No.1. The petitioner put forth a request before the Trial Court to recast the issue, the application, however, has been rejected.

3. Issue notice before admission to the respondents in three weeks.

4. Mr. N. R. Jadhav, learned counsel waives service of notice for respondent Nos.4 and 5.

List in the week commencing from 10.03.2025.

(Anil L. Pansare, J.)