



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

WRIT PETITION NO.7492 OF 2025

ANIL S/O MAROTRAO KHOBRAGADE
VERSUS
 NITESH S/O SHASHIKANT KHOBRAGADE AND ANOTHER

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. M.R. Johrapurkar, Advocate for Petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 01st DECEMBER 2025

1. Heard learned Advocate for the petitioner.

2. The petitioner's challenge is to the order dated 03.11.2025, passed by the trial court, rejecting the application for amendment to the written statement in Probate Petition No.06 of 2012.

3. Learned Advocate for the petitioner points out that, this Court has earlier passed an order in First Appeal No.1118 of 2015, directing that the probate proceedings be considered as contentious and accordingly, even the trial court has passed an order dated 29.07.2018, observing thereby that the probate proceedings be decided as nearly as civil suit. Learned Advocate submits that despite this being the position, while considering the application for amendment to written statement, the trial court has rejected the application by observing that the probate proceedings are confined only to determine the genuineness and validity of Will. Learned

Advocate, therefore, submits that the impugned order rejecting the application for amendment is unsustainable in law.

4. In view of the controversy involved, issue notice to the respondents, returnable after three weeks.

5. In case the petitioner applies for adjournment before the trial court till next date, same be considered by the trial court favourably.

(PRAFULLA S. KHUBALKAR, J.)

asd