



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 4667 OF 2026

Amol Prakash Kotambe

VERSUS

Shankar Shridhar Raut And Ors.

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Mr. S. R. Shirsat, Advocate for the Petitioner

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CORAM : S. G. CHAPALGAONKAR, J

DATE : APRIL 28, 2026

PC :

1. The Petitioner filed Civil Misc. Application No. 1689/2019 under Section 228 of Indian Succession Act seeking probate of will. The Petitioner filed will in support of his claim. He has filed affidavits of two attesting witnesses at Exhibits 19 and 20. Till this date, those witnesses have not appeared before Court for examination. At this stage, Petitioner filed an application below Exhibit 44 to exhibit will. The Trial Court refused to exhibit document in absence of examination of attesting witnesses.

2. This Court finds no fault in impugned order. It is trite that unless attesting witnesses examine, will cannot be admitted in evidence or taken to be proved in accordance with law. The Petitioner shall be at liberty to bring attesting witnesses and examine them before Court. In such eventuality, Petitioner's prayer for exhibit will can be considered.

3. In that view of matter, Writ Petition stands rejected with liberty in favour of Petitioner to take up necessary steps to bring attesting witnesses on will before Court.

(S. G. CHAPALGAONKAR, J.)

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