

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
CIVIL APPELLATE JURISDICTION**APPEAL FROM ORDER (ST.) NO.1556 OF 2026**

Aasha Dhananjay Matale and Ors. .. Appellants
Versus
Magan Bhau Matle and Ors. .. Respondents

.....

- Mr. Tanmay More, Advocate for Appellants.

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CORAM : MILIND N. JADHAV, J.**DATE : JANUARY 30, 2026****P.C.:**

- 1.** Not on Board. Mentioned by way of filing praecipe dated 30.01.2026. Perused the praecipe.
- 2.** Heard Mr. More, learned Advocate for Appellants.
- 3.** Order dated 28.10.2025 below Exhibit-5 passed in Special Civil Suit No.357 of 2025 is assailed in the present proceedings.
- 4.** Mr. More has drawn my attention to previous order dated 30.08.2025 passed in Special Civil Suit No.163 of 2022 wherein in respect to same cause of action *albeit* arising out of challenge to registered Will of the deceased, Application for temporary injunction came to be refused by learned Trial Court in favour of Respondent No.1. Parties before me *prima facie* appears to be family members seeking entitlement to the property and credits of the deceased.



5. Mr. More would submit that considering pendency of Special Civil Suit No.163 of 2022 with respect to deciding the validity and legality of last Will and testament of deceased to enable entitlement to the property and credits of deceased the validity of the subsequent and consequential documents cannot be decided by the Trial Court in the subsequent Special Civil Suit of the year 2025 by learned Trial Court.

6. That apart, Mr. More would submit that order dated 30.08.2025 has not been challenged by Respondent Nos. 1 to 9.

7. After perusing the aforesaid orders and submissions made by Mr. More an arguable case is made out for issuance of notice and stay of the impugned order dated 28.10.2025.

8. Hence, issue notice to Respondents.

9. Humdast permitted. In addition to Court's notice, Appellants are directed to serve the Respondent a copy of this order and copy of Appeal from Order and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

10. Respondents are directed to file their Affidavit-in-Reply on or before the next adjourned date.

11. The impugned order dated 28.10.2025 stands stayed.



12. Stand over to 12th February, 2026.

13. Praeipie is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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