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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 622 OF 2024
WITH
INTERIM APPLICATION NO. 13507 OF 2024
IN
SECOND APPEAL NO. 622 OF 2024**

Manibai Suresh Bhoir Deceased Thr Lrs ... Appellants/Applicants
1.1. Gulab Jagannath Mhatre

vs.

Mukund Ganpat Mhatre and Ors ... Respondents

Mr. Drupad Patil for Appellant/Applicant.

None for Respondent.

CORAM : GAURI GODSE, J.

DATED : 9th DECEMBER 2024

ORDER:

1. Heard learned counsel for the appellant. The second appeal is admitted on the following substantial questions of law:

I) Whether based on stray admissions given by PW 2 in cross-examination could be held against the plaintiffs by ignoring the substantive evidence of the attesting witness who deposed in favour of the validity of the execution of the Will?

II) Whether the reasons recorded by both the courts to

discard the Will on the ground of suspicious circumstances is supported by any pleadings and evidence showing suspicious circumstances?

III) Whether the registration of the Will would create presumptive value in respect of the validity of the Will?

IV) Whether the reasons recorded by both the courts in not accepting the validity of the Will would amount to incorrect appreciation of the pleadings and evidence on record?

2. In addition to Court notice, learned advocate for the appellants to serve the respondents, by private notice and file affidavit of service.

3. Call for records and proceedings.

4. Printing is dispensed with.

5. Learned advocate for the appellants shall file private paper-book within a period of one year from today.

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6. Rule on interim relief in terms of prayer clause (a) is made returnable after ten weeks.

7. In addition to Court notice, learned advocate for the

applicants to serve the respondents, by private notice and file affidavit of service before the next date.

8. Till next date, there will be ad-interim relief in terms of prayer clause (b).

(GAURI GODSE, J.)