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wp3724.25

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**33 WRIT PETITION NO. 3724 OF 2025**

BHAGUBAI DASHRATH GORE DIED THROUGH LRS KADUBAI GOVIND  
GORE

*VERSUS*

SANJAY DASHTRATH KASHID AND OTHERS

Mr.S.S. Londhe, Advocate for the petitioner.

**CORAM : KISHORE C. SANT, J.**

**DATE : 24.03.2025**

**PC :-**

01. Heard learned Advocate for the petitioner for some time. The petitioner is a decree holder, who put the decree to the execution. Respondent Nos.1 and 2 have filed applications for impleading them as party to the execution proceeding, claiming that they have received property by way of Will of original plaintiff/decreed holder. The petitioner also claims to be owner on the basis of Will. The respondents had earlier filed suit claiming rights of the said Will. However, later on withdrawn the same reserving their right to challenge later on. They filed application in the execution proceeding for impleading them as party. The learned Execution Court allowed the application and directed to the parties to adduce evidence in order to decide legality of the Will. The Decree Holder is, therefore, before this Court.

02. The learned Advocate submits that said respondents though claimed to have right on the basis of Will, executed by original plaintiff, they could not prove the same. They have filed suit specifically on the

basis of Will. However, withdrawn the same later on. Though the same was pointed out to the Trial Court, still the Trial Court has allowed the application and directed to lead evidence. Said Will is also proved in one of the suits filed by bearing RCS No. 100 of 2020 decided by the CJJD, Nevasa. This being the position, it is submitted that the petition be allowed.

03. Issue notice to the respondents, returnable on 09.06.2025.  
Hamdust granted.

04. In the meantime, there shall be ad-interim relief in terms of prayer clause (C).

**[KISHORE C. SANT, J.]**