

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

**SECOND APPEAL NO. 177/2022**

Nandkishor Bahad  
 ...VERSUS...  
 Madhav Bahad & others

Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders or directions  
 and Registrar's orders

Court's or Judge's orders

Shri S.M. Vaishnav, Advocate for the Appellant(s)

**CORAM : SMT. M.S. JAWALKAR, J.**  
**APRIL 17, 2023**

Heard.

(2) Issue notice to the Respondent(s), returnable within three weeks, on the following substantial questions of law:-

“I) Whether both the Lower Courts have failed to consider the true nature of the Suit as the Appellant has never prayed for correction of the Will Deed but has sought declaration of his own right/title on the basis of the Will Deed dated 20/02/2012 as such the Suit cannot be terms as filed for correction of Will Deed?

II) Whether both the Lower Courts have failed to consider material aspect that none of the brothers have

appeared in the Suit and have filed the written statement as such it is crystal clear that in the family also it is accepted by every one that it is only the Appellant who is the rightful owner of the property?"

**CIVIL APPLICATION (S) NO. 1290/2022**

(3) Issue notice to the Respondent(s), returnable within three weeks.

**(JUDGE)**