



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

APPEAL AGAINST ORDER NO.21/2024

Ramesh Laxmanrao Ninawe and others

...Versus...

Shakuntala wd/o Ambadas Ninawe and others

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

Court's or Judge's orders

Mr. S.V. Sohoni, Advocate for appellants

Mr. S.Y. Deopujari, Advocate for respondent Nos.1, 2 & 3 (a to c)

CORAM : ROHIT W. JOSHI, J.

DATE : 24/03/2026

1. Upon hearing the learned Advocates for the parties, following substantial question of law arises for consideration in the Second Appeal.

Whether the learned first Appellate Court was justified in passing order of remand in order to afford opportunity of leading evidence to the defendant No.1 to prove the alleged Will, when the defendant Nos.1 and 2 had filed a pursis, stating that they do not wish to examine any witness, particularly after attempt to examine one of the attesting witnesses to the Will was made to examine him through Court Commissioner ?

2. Call record and proceeding.

3. Advocate Mr. S.Y. Deopujari waives service of notice for the respondent Nos.1, 2 & 3 (a to c)

4. The appellants are directed to serve rest of the respondents by speed post, in addition to regular mode of

service and file affidavit of service on record before the returnable date.

5. Parties are put to notice that the appeal will be heard finally at the stage of admission.

6. Stand over 15/04/2026.

(ROHIT W. JOSHI, J.)

Wadkar