

ITEM NO.12

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.10125/2022

(Arising out of impugned final judgment and order dated 13-04-2022 in SA No. 224/1992 passed by the High Court Of Judicature At Bombay At Aurangabad)

EKNATH GENU PAWAR DIED
THROUGH HIS LEGAL REPRESENTATIVES

Petitioner(s)

VERSUS

DATTU SANTRAM HARAL DIED THROUGH
HIS LEGAL REPRESENTATIVES & ORS.

Respondent(s)

(IA No. 80728/2022 - EXEMPTION FROM FILING O.T.)

Date : 01-08-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Sandeep Sudhakar Deshmukh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

As per the impugned judgment, the Will propounded by the petitioners has not been accepted by the Court. We are not inclined to accept the case canvassed before us based on the genuineness of the Will. However, Mr. Sandeep Sudhakar Deshmukh, learned counsel for the petitioners would submit that they had a case that the respondents defendants had purchased only one item and the Plaint Schedule included an item which was not purchased by the defendants. It is apparently the case that the possession of the petitioners over the item which was not subject matter of the sale

deed in favour of the defendants should have been protected.

Learned counsel for the petitioners seeks permission to withdraw the special leave petition with liberty to file a review petition limited only to the above aspect.

The special leave petition is dismissed as withdrawn with liberty to file review petition limited only to the above aspect. In other words, we make it clear that as far as the findings of the Court relating to the genuineness of the Will is concerned, we are not entertaining the special leave petition and it stands dismissed.

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
ASSISTANT REGISTRAR