

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION***

***TESTAMENTARY SUIT NO.3 OF 1998
in
TESTAMENTARY PETITION NO.532 OF 2015***

Joseph G. D'Souza & Anr. .. Plaintiffs/Petitioners
Vs.
N.Murzello & Anr. .. Defendants/Respondents

Ms.Geeta Sonawane for the plaintiff/petitioner.

Mr.V.Y. Sanglikar for the defendants.

CORAM : R.D. DHANUKA, J.

DATE : 23rd June 2017

P.C. :

. Mr.Sanglikar, learned counsel appearing for the defendants invited my attention to the order dated 8th June 2017 passed in Testamentary Suit No.4 of 1998 and would submit that the said order was actually passed in Testamentary Suit No.3 of 1998. He submits that instead of granting four weeks time to file affidavit of evidence in lieu of examination-in-chief by two witnesses of the defendants, it is inadvertently recorded two weeks.

2. It is clarified that the said order was inadvertently passed in Testamentary Suit No.4 of 1998 instead of Testamentary Suit No.3 of 1998. The number of proceedings mentioned as Testamentary Suit No.4 of 1998 shall be read as "Testamentary Suit No.3 of 1998 in Testamentary Petition No.531 of 1995."

3. It is made clear that by the said order, the defendants have been granted four weeks' time from the date of the said order to file

affidavit in lieu of examination-in-chief along with compilation of documents in so far as second witness is concerned. Other directions issued in the said order dated 8th June 2017 remains unaltered.

4. Place the matter on board for 'marking of documents' after eight weeks.

R.D. DHANUKA, J.