

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 3 OF 1998**

IN

TESTAMENTARY PETITION NO. 531 OF 1995

Joseph G. D'Souza & Another ...Plaintiffs
Versus
N. Murzello & Another ...Defendants

**Ms. Geeta Sonawane, i/b Denzil D'Mello for the Plaintiffs.
Mr.Y.V. Sanglikar, for the Defendants.**

**CORAM: G.S. PATEL, J
DATED: 21st June 2016**

PC:-

1. The evidence of the Plaintiff and the 1st Defendant is complete. The cross examination of the 2nd Defendant is to begin. The 2nd Defendant is not relying on any documents.
2. By consent, Mr. Desai is appointed as a Commissioner and is requested to record the cross-examination of the 2nd Defendant.
 - (a) The Commissioner is at liberty to exercise discretion under Order XVIII Rule 4(4) of the Code of Civil

Procedure, 1908, to note the demeanour of the witnesses where necessary.

- (b) All cross-examination shall be conducted strictly in question and answer form.
 - (c) The Commissioner will also be at liberty to direct that the whole or any part of the cross-examination should be video-recorded for later reference of the court. Should that be done, the original audio-visual recording will be submitted along with the Commissioner's Report to the Registry.
 - (d) All re-examination will be conducted only in court.
 - (e) Costs of the commission shall be borne equally by both parties.
3. Liberty to the parties as also to the Commissioner to apply in case of difficulty.
4. Stand over to 5th August 2016 for directions.

(G. S. PATEL, J.)