

**PGK**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O.O.C.J.

Testamentary Suit No.3 of 1998  
IN  
Testamentary Petition No.531 of 1995

Joseph G. D Souza & anr. ... Plaintiffs  
v/s.  
Neri Murzello & anr. ... Defendants

Ms.Geeta Sonawane for Plffs.  
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**CORAM : SMT.ROSHAN DALVI, J.**

**DATED : 2<sup>nd</sup> February 2011**

**P.C. :**

1.The Plaintiffs have filed the affidavit of examination-in-chief as also the affidavit of documents. Copy is served upon the Defendants. The affidavit is taken on record under the provisions of Order XVIII Rule 4 of the Code of Civil Procedure. The Plaintiff s Advocate also tenders the affidavit of attesting witnesses. That affidavit is also taken on record under the provisions of Order XVIII Rule 4 of the Code of Civil Procedure. The Plaintiffs Advocate has served a copy of the said affidavit upon the Defendants Advocate.

2.The Death Certificate of the deceased is marked

**Exhibit-A.**

3. Copy of the Will of the deceased dated 10<sup>th</sup> March 1990 is marked **Exhibit-B** for the sake of convenience.
4. Mr. R.K. Desai is appointed Court Commissioner to record the evidence of the witnesses in this suit.
5. Parties shall appear before the Court Commissioner initially on 9<sup>th</sup> February 2011.
6. The Court Commissioner shall record the evidence preferably day to day.
7. Parties shall pay the fees of the Court Commissioner as fixed by the Court Commissioner equally.
8. After the evidence of the Plaintiffs is completed, the Defendants shall be entitled to file their affidavit of examination-in-chief, if any, directly before the Court Commissioner.
9. Parties to place the suit on board after the entire evidence is completed.

(SMT.ROSHAN DALVI, J.)

