

PGK

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

Testamentary Suit No.4 of 1998
IN
Testamentary Petition No.532 of 1995

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

Ms.Geeta Sonawane for Plffs.
Mr.Akshay Shah for Defts.

CORAM : SMT.ROSHAN DALVI, J.

DATED : 23rd February 2011

P.C. :

- 1.The affidavit of examination-in-chief of the Plaintiffs as well as two other witnesses are tendered. These affidavits are taken on record under Order XVIII Rule 4 of the Code of Civil procedure. The affidavit of documents is also tendered.
- 2.The Death Certificate of the deceased is marked **Exhibit-A.**
- 3.Copy of the Will of the deceased is marked **Exhibit-B**

for the sake of convenience.

- 4.The Death Certificate of the attesting witness one Mr.Miranda is marked **Exhibit-C**.
- 5.The Death Certificate of the second attesting witness Mr.Pimenta is marked **Exhibit-D**.
- 6.By consent, Mr.R.K. Desai is appointed Commissioner to record the cross-examination of the witnesses in this suit.
- 7.Parties shall appear before the Commissioner initially on 7th March 2011 at 5 p.m. and thereafter as fixed by the Commissioner.
- 8.Parties shall pay the fees of the Commissioner as fixed by the Commissioner equally.
- 9.The Commissioner shall record the evidence preferably day to day.
- 10.After the evidence of the Plaintiffs is complete, the Defendants shall be entitled to file their affidavit of examination-in-chief directly before the Commissioner.
- 11.The Defendants shall thereafter produce the original

documents, if any, relied upon by the Defendants for considering their admissibility.

12. Parties to place the suit on board at appropriate time.

(SMT.ROSHAN DALVI, J.)