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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY SUIT NO.23 of 1997  
IN  
PETITION NO.381 of 1996

Mr.Keith Pinto ... Plaintiff/Petitioner

versus

Smt.Yona Pinto ... Defendant/Caveators

...

Mr. Clive D'Souza for the plaintiff.

Ms.Geeta Sonawane i/b Mr.Denzil D'Mello for the defendant

**CORAM : D.G. KARNIK, J**

**DATED : 20<sup>th</sup> September 2011**

P.C.

1. Counsel for the plaintiff tenders compilation of documents on behalf of the plaintiff. He also tenders the affidavit of the plaintiff in lieu of examination in chief. Plaintiff is not present in the court. Mr.R.K. Desai, Advocate is appointed as court commissioner for recording of the evidence of the parties and their witnesses. Examination in chief shall be recorded on affidavit and cross examination shall be recorded in person. Initially, plaintiff and caveators together shall each deposit a sum of Rs.10,000/- towards the fees and expenses of the court commission. Final fees and

expenses and apportionment thereof would be determined on receipt of the report of the court commissioner. If any adjournments are sought by any of the parties that matter shall be taken into consideration while apportioning the costs of commission.

2. Court commissioner shall act upon an authenticated copy of this order. Counsel for the parties agree to furnish an authenticated copy to the commissioner. Parties shall appear before the court commissioner on 30 September 2011 at 5.00 p.m for fixing a calendar for recording of the evidence.

**(D.G.KARNIK, J)**