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

Mr. Keith Pinto ...Plaintiff
Versus
Smt. Yona Pinto ...Defendant

Mr. Nitin Raut, for the Plaintiff.
Mr. Denzil D'Mello, for the Defendant .

CORAM: G.S. PATEL, J
DATED: 16th February 2015

PC:-

1. On 20th October 2014, the original Will was marked Exhibit "P1" for convenience. This was at the time when the marking of the documents was taken up on the basis of the Plaintiff's evidence affidavit. The attesting witness is under cross-examination. It is clarified that the Will in question is now marked in evidence as Exhibit "P1" not merely for convenience or for reference, but in view of the evidence of the attesting witness subject to the clarification that the marking of the document in evidence does not indicate that the Defendant has accepted either its due execution or

the correctness of its contents. The Defendant will be at liberty to cross-examine the Plaintiff's witness to the fullest extent on Exhibit "P1". The Plaintiff will be entitled to conduct further examination in chief before the Commissioner.

2. Mr. D'Mello states that his client has twice been compelled to travel from Goa to Mumbai only to have the matter adjourned before the Commissioner. He prays for costs. Liberty to the Defendant to apply for an order of costs for this adjournment at the final hearing of the suit.

3. The learned Commissioner is requested to complete the recording of cross-examination of the Plaintiff's attesting witness on or before 31st March 2015.

4. List the matter for directions on 8th April 2015.

(G. S. PATEL, J.)