

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**TESTAMENTARY SUIT NO. 5 OF 2023
IN
TESTAMENTARY PETITION NO. 115 OF 2021**

Zankhana Pankaj Patel

.. Plaintiff

Versus

Siddesh Rajesh Patel and Anr.

.. Defendants

-
- Mr. Rajkumar Mishra, Advocate i/by Ms. Shakti Deengar for Plaintiff.
 - Mr. Sandeep Waghmare, Advocate for Defendant No.1.
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 06, 2025.

P.C.:

1. Heard Mr. Mishra, learned Advocate for Plaintiff and Mr. Waghmare, learned Advocate for Defendant No.1.

2. Advocate for Defendant No.1 is directed to take inspection of the list of original documents and the documents which have been filed in the Registry which are placed before me. The statement of his admission and denial does not specifically correspond to the documents which have been filed. There is a clear discrepancy in the nomenclature and serial numbers. It is seen that Advocate for Defendant No.1 has not even taken inspection of the Affidavit of original documents and he has given his admission and denial merely on the basis of the copy of Affidavit of documents which has been filed

by Advocate for Plaintiff. Advocate for Plaintiff has informed the Court that original copies of documents were filed in this Court in the month of April itself.

3. Inspection is directed to be taken within a period of three weeks from today. Department shall allow the inspection to be taken accordingly. Both the learned Advocates shall remain present to carry out inspection. Thereafter fresh statement of admission and denial be filed by Advocate for Defendant No.1 and copy of the same shall be given to Advocate for Plaintiff.

4. After three weeks the statement of admission and denial shall be placed before the Court so as to enable the Court to mark the 47 documents which are placed on record.

5. Learned Advocate for Plaintiff informs the Court that all directions contained in the order dated 17.09.2025 stand complied with.

6. Office is directed to accept the original physical copies of the Affidavits of the remaining two witnesses namely Hiten B. Talathi and Hemant Natrawlal Patel and place them on record of the case.

7. Today, Advocate for Defendant No.2 is not present in the Court. Needless to state that this order shall apply to Defendant No.2 also. It is clarified that on the next adjourned date, if Advocate for

Defendant No.2 / Defendant No.2 is not present before this Court, this Court shall hear Advocate for Plaintiff and Defendant No.1 and pass thereafter appropriate orders in accordance with law.

8. Copy of this order shall be served on Advocate for Defendant No.2 and Defendant by the Advocate for Plaintiff.

9. Stand over to **26th November, 2025.**

[MILIND N. JADHAV, J.]

Ajay

Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date:
2025.11.06
15:20:58 +0530