



4. Oath is administered.

**D.W.1:** Hina Yatin Mehta  
**Age:** 70 years  
**Occupation:** Housewife  
**Address:** 301, Santok Bhuvan,  
 2<sup>nd</sup> floor, Bhimani Street,  
 Matunga (C.R.)  
 Mumbai-400019.

Examination-in-chief of P.W.1 on SA.

I have filed affidavit in lieu of evidence dated 26.06.2016. I have signed at the foot of the said affidavit and I identify my signature. I affirm that whatever stated in the said affidavit is true to my knowledge and correct. It was prepared under my instructions.

5. The witness is discharged.

6. The affidavit in lieu of examination-in-chief of the attesting witness Hina Yatin Mehta i.e. P.W.1 is taken on record and marked Exhibit 'PW.1-1'.

7. In the context of the witness, reliance will be placed only on the subject Will and codicils. In that view of the matter, Court Commissioner can be appointed for carrying out the exercise of cross-examination of the aforesaid witness.

8. Accordingly, Advocate Bhuvan Singh is appointed as the Court Commissioner for recording cross-examination of the aforesaid witness. The details the Court Commissioner are as follows:

**Address:** Chamber of Mr. Piyush Raheja,  
 Office No.301-A, Fort Chambers,  
 Above Stock Exchange Post office,  
 Homi Modi 2<sup>nd</sup> Cross lane, Fort, Mumbai.  
**Mob.:** 9900825227

9. All cross examination shall be conducted strictly in question and answer form.
10. The Commissioner is at liberty to exercise discretion under Order XVIII, Rule 4(4) of the Code of Civil Procedure, 1908 to note the demeanour of the witness, wherever necessary.
11. The Commissioner is also at liberty to direct that the whole or any part of the cross-examination be video recorded for later reference of the Court. Should that be done, the original audio visual recording shall be submitted along with the Commissioner's report to the Registry.
12. Costs of the commission shall be borne by the parties jointly.
13. The parties shall also pay costs of Rs.500/- per hearing to the Court Clerk, who attends the Commission with the Court papers. This is required since these Clerks attend the Commission, in addition to their duties and outside their normal working hours.
14. The Commissioner shall not permit any application for adjournment on the dates fixed, except where absolutely unavoidable.
15. The Court Commissioner shall submit report with notes of evidence within eight weeks from today.
16. List the proceeding for further directions on 19.06.2024.

**(MANISH PITALE, J.)**