

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 12 OF 1999**

IN

TESTAMENTARY PETITION NO. 1087 OF 1998

Pradeep Kumar Anand ...Plaintiff
Versus
Dilip Kumar Anand ...Defendant

WITH

TESTAMENTARY SUIT NO. 5 OF 1999

IN

TESTAMENTARY PETITION NO. 806 OF 1998

**Mr Zubin Behramkamdin, i/b MG Gawde, for the Plaintiff.
Mr Mayur Agarwal, i/b Chaya Pandya, for the Defendant.**

**CORAM: G.S. PATEL, J
DATED: 5th June 2018**

PC:-

1. There are two contested Testamentary Suits being tried simultaneously.
2. Testamentary Suit No. 5 of 1999 relates to the Will of the father. The Defendant is to be cross-examined by the Plaintiff in that

Suit. Testamentary Suit No. 12 of 1999 is for probate to the mother's Will. In that Suit, the Defendant has led the evidence of a handwriting expert, one Mrs Kamble, who filed an Affidavit of Evidence dated 4th July 2017 proving the contents of her opinion or report annexed at Exhibit "A" to that Affidavit. That Affidavit of Evidence is to be taken on file, if not already done.

3. Both matters have been referred to the Commissioner, Mr Swanand Ganoo for recording evidence. The parties are directed to complete the cross-examination in both the Suits at the earliest possible and I will request Mr Ganoo to give both these matters the maximum possible priority.

4. Mr Behramkamdin on behalf of the Plaintiff states that in Testamentary Suit No. 12 of 1999 his cross-examination of the handwriting expert is complete. The Defendant is present in Court. There are no further witnesses. The Defendant's case is closed.

5. Thus, the trial in Suit No. 12 of 1999 is complete and the Suit is, therefore, ready for hearing and final disposal.

(a) Parties and Advocates will coordinate with the Registry of this Court to re-arrange the record in a proper fashion with running pagination and an index.

(b) Preferably a separate compilation, corresponding to that of the advocates, and on white paper should be prepared for use by the court. If the compilation is in

multiple volumes, there should be running paging for the entire record. The volumes are to be serially labelled, *Vol. 1 of XX*, *Vol. 2 of XX*, etc.

- (c) Once the record is arranged, it is to be digitized. Soft copies are to be made available to the Advocates of both sides on request and without charge.
- (d) List Testamentary Suit No. 12 of 1999 for hearing and final disposal on 5th July 2018.

6. As regards Testamentary Suit No. 5 of 1999, parties are requested to complete the cross-examination of the Defendant at the earliest.

7. List Testamentary Suit No. 5 of 1999 for directions on 5th July 2018.

(G. S. PATEL, J)