

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 5 OF 1999
IN
TESTAMENTARY PETITION NO. 806 OF 1998**

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

Mr. Z. Behramkamdin, i/b Mr. M.G. Gawde, for the Plaintiff.
Mr. P. Parichary, i/b M/s. Solomon & Co., for the Defendant.

CORAM: G.S. PATEL, J
DATED: 6th October 2015

PC:-

1. By consent, Mr. Swanand Ganoo is appointed as a Commissioner and is requested to complete recording the cross-examination of the remaining witness. Further, Mr. Ganoo 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 witnesses where necessary. All cross-examination shall be conducted strictly in question and answer form. The Commissioner will also be at liberty to direct that the whole or any part of the cross-examination should be video recorded for later reference of the court. Should that be done, the original audio visual recording

will be submitted along with the Commissioner's Report to the Registry. Liberty to the parties as also to the Commissioner to apply in case of difficulty. All re-examinations will be conducted only in court.

2. Mr. Ganoo is not to entertain any applications for adjournment on dates previously fixed except in absolutely unavoidable circumstances.

3. Costs of the commission shall be borne equally by both parties.

4. List the matter on 23rd November 2015 for a status report including as to progress before the Commissioner.

(G. S. PATEL, J.)

CERTIFICATE

"Certified to be a true and correct copy of the original signed Judgment/Order."