

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY SUIT NO.41 OF 1993
IN
TESTAMENTARY PETITION NO.196 OF 1993

P.P. Gohil & Ors. ...Plaintiffs
V/s.
Pratap P. Gohil & Ors. ...Defendants

WITH
TESTAMENTARY SUIT NO.21 OF 1995
IN
TESTAMENTARY PETITION NO.1084 OF 1993

R.P. Gohil & Ors. ...Plaintiffs
V/s.
K.P. Gohil & Ors. ...Defendants

Mr.Jayesh Bhatt for the Plaintiffs.

Mr.H.P. Ghadigaonkar i/b Mr.Madhav Jamdar for the Defendant No.3.

Mr.Ali Abbas Delhiwala with Ms.Archana Karmokar i/b Divya Shah Associates for the Defendant No.4.

CORAM : R.D. DHANUKA, J.
DATE : 8TH JUNE, 2017.

P.C. :-

1. Mr.Delhiwala, learned counsel appearing for the defendant no.3 states that his client wants to examine Mr.Salim Khan, who is one of the hand writing expert, who will file affidavit in lieu of examination in chief on or before 6th July, 2017. The statement is

accepted. A copy of such affidavit in lieu of examination in chief shall be served upon the plaintiff's advocate simultaneously. It is made clear that no further extension would be granted. The earlier Court Commissioner appointed by this Court, who recorded the evidence of the earlier witness is continued by consent of the parties. The affidavit in lieu of examination in chief of the witness can be filed before the learned Court Commissioner. If any such affidavit in lieu of examination in chief of the 4th witness of the defendant no.3 is filed, the parties shall complete the evidence of the said witness before the learned Court Commissioner within four weeks from the date of filing of such affidavit. The learned Court Commissioner is requested to submit the report within six weeks from the date of commencement of the evidence of the 4th witness of the defendant no.3.

2. By consent of the parties, the learned Court Commissioner is directed to file the report of evidence recorded so far and shall file the documents received in evidence or otherwise before this Court within four weeks from the date of communication of this order.

3. Place both the matters under the caption "for directions" on 28th August, 2017.

(R.D. DHANUKA, J.)