

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 41 OF 1993**

IN

TESTAMENTARY PETITION NO. 196 OF 1993

Prasankunver P. Gohil & Ors. ...Plaintiffs
Versus
Pratap P. Gohil & Ors. ...Defendants
Purnima R. Gohil (Applicant)

AND

TESTAMENTARY SUIT NO. 21 OF 1995

IN

TESTAMENTARY PETITION NO. 13 OF 1995

R. P. Gohil ...Plaintiff
Versus
Pratap P. Gohil & Ors. ...Defendants
Purnima R. Gohil (Applicant)

TESTAMENTARY SUIT NO. 1084 OF 1993

Vikram Pratap Gohil & Ors. ...Plaintiffs
Versus
K. P. Gohil & Ors. ..Defendants

Mr. U. J. Makhija, *i/b Jayesh Bhatt*, for the Plaintiff in TS.NO.
41/93 and TS.NO.21/95.

Ms. R. C. Nichani, for the Plaintiffs in TS NO. 1084/93 and for the
Defendant No. 2 in TS.NO. 41/93 and TS.NO.21/95.

Mr. Sachin Mahagaokar, i/b M/s. Divya Shah Associates, for the Defendant No. 1 in TS.NO.41/93 and Defendants Nos. 1 and 3 in TS.NO. 21/95.

Mr. Hemant Ghadigaonkar, i/b M. J. Jamdar, for the Defendant No. 4.

CORAM: G.S. PATEL, J
DATED: 28th October 2014

PC:-

1. The recording of the cross-examination in Testamentary Suit No. 41 of 1993 and Testamentary Suit No. 21 of 1995 is complete. Affidavits in lieu of examination in chief by the 1st Defendant, 2nd Defendant and the 3rd Defendant are tendered today. The 1st Defendant seeks to rely on two death certificates. Unfortunately, these have not been produced so far. Parties are, however, agreed that the same may be marked in evidence, by consent. Since the documents are not here before me today, those document, i.e., the death certificates of Premjibhai Gohil and Smt. Prasankunver P. Gohil shall be marked by consent before the learned Commissioner as Exhibits "D1/1" and "D1/2", respectively.

2. The Commissioner already appointed is requested to proceed immediately with the recording of the cross-examination of Defendant No. 1 followed by the cross-examination of Defendant Nos. 2 and 3, respectively.

3. It is clarified that if any question of re-examination arises, this will be decided in Court and not before the learned Commissioner.

4. On behalf of Defendant No.4, a statement is made on instructions that the 4th Defendant does not wish to lead any evidence but that she is supporting the Defendants in Testamentary Suit No. 21 of 1995 and Testamentary Suit No. 41 of 1993.

5. List all three matters (Testamentary Suit No. 41 of 1993, Testamentary Suit No. 21 of 1995 and Testamentary Petition No. 1084 of 1993) for directions including as to the progress before the Commissioner on 2nd December 2014.

6. The Plaintiffs in Testamentary Suit No. 41 and Testamentary Suit No. 21 of 1995 who are the Defendants in Testamentary Petition No. 1084 of 1993 will be at liberty to make an application for leading rebuttal evidence in Testamentary Petition No. 1084 of 1993, if necessary, after the cross-examination as indicated above is completed.

(G. S. PATEL, J.)