

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY SUIT NO.13 OF 2006  
IN  
TESTAMENTARY PETITION NO.803 OF 2006**

Kavita R Kadam ...Plaintiff  
*Versus*  
Pratap J Salunke ...Defendant

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**Bhakti Jugal, i/b Shishir Joshi, for the Plaintiff.**

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**CORAM: G.S. PATEL, J  
DATED: 24th January 2018**

**PC:-**

1. On 10th November 2017, the parties agreed to refer their disputes to mediation. This was noted by SC Gupte J in his order. Mr Rajesh Shah, Advocate, was appointed a mediator. His report is on file under seal. It is opened today. He reports that mediation has failed despite repeated meetings. The mediation report will be kept on file.

2. In view of this the Suit will have to proceed. It seems that while one of the attesting witnesses did file an Evidence Affidavit, in the time since, both the attesting witnesses have passed on. The Plaintiff will have to take the necessary steps in accordance with the

Rules and the provisions of the Evidence Act to bring forth the evidence of another person who was present at the time of execution of the testamentary writing in question.

3. List the matter for directions on 21st February 2018.

**(G. S. PATEL, J)**