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**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 Ramdas Kadam ...Plaintiff  
*Versus*  
Pratap Janardanrao Salunke ...Defendant

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**Mr Shishir Joshi**, *with Bhakti Jugal, for the Plaintiff.*  
**Mr Makrand Kale**, *with Anisha Phutane, for the Defendant.*

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**CORAM: G.S. PATEL, J**  
**DATED: 4th April 2018**

**PC:-**

1. There is an Affidavit in lieu of examination-in-chief of Swati Janardanrao Salunke, Plaintiff No.2, the daughter of the deceased. Although she is not an attesting witness to the Will, she was the scribe and was present at its execution and attestation.
2. I may note that earlier there was an Affidavit of Evidence of one Manohar Vishnu Sawant, one of the attesting witnesses. He passed away before he could be cross-examined. The other attesting witness has also passed away. It is in these circumstances that the

Affidavit of Evidence of Mrs Swati Salunke is filed under Rule 384 of the Bombay High Court (Original Side) Rules.

3. At this stage, the Plaintiff seeks to prove two documents. The first document is the Will itself. In view of Mrs Swati Salunke's Affidavit of Evidence, it is taken on record and marked **Exhibit "P1"** in evidence. It is clarified that the marking of this document in evidence does not mean or indicate that the Defendants have accepted its due execution, attestation, validity or correctness of contents, all of which are subject to cross-examination and submissions at the final hearing of the suit.

4. The second document is the death certificate of the deceased. It is taken on record and marked **Exhibit "P2"** in evidence.

5. Neither of the parties can afford the costs of commission. List the matter for directions on 12th June 2018.

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