

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 25 OF 2018**

IN

TESTAMENTARY PETITION NO. 780 OF 2013

WITH

CAVEAT NO. 40 OF 2018

AND

CAVEAT NO. 41 OF 2018

Jangbahadur Singh Darshan Singh Gujral ...Plaintiff

Versus

Manmohan Kaur Oberoi & Amarjeet Singh ...Defendants

Mr Kunal Bhanage, for the Plaintiff.

Mr BG Saraf, for the Defendants.

CORAM: G.S. PATEL, J

DATED: 26th September 2018

PC:-

1. A copy of the Will that is being propounded is taken on record and marked in evidence as **Exhibit "P1"**. 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.

2. By consent, Mr Shreenivas Bhawe (Mob.: 9324519202) is appointed as a Commissioner and is requested to record the cross-examination of both attesting witnesses, PW1 and PW2.

- (a) The Commissioner 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.
- (b) All cross-examination shall be conducted strictly in question and answer form.
- (c) 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.
- (d) Liberty to the parties as also to the Commissioner to apply in case of difficulty.
- (e) All re-examination will be conducted only in court.
- (f) Costs of the commission shall be borne equally by the parties.
- (g) The Commissioner is not to permit any applications for adjournment on dates previously fixed, except where

absolutely unavoidable. Counsel's inconvenience or unavailability does not constitute such unavoidability.

3. List the matter on 31st October 2018 for a status report including as to progress before the Commissioner.

(G. S. PATEL, J)