

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

**TESTAMENTARY SUIT NO.25 OF 2018
WITH
INTERIM APPLICATION NO.2875 OF 2024
WITH
NOTICE OF MOTION NO.10 OF 2019
WITH
INTERIM APPLICATION NO.2110 OF 2024
WITH
INTERIM APPLICATION NO.2104 OF 2024
WITH
INTERIM APPLICATION (L) NO.20448 OF 2024
WITH
INTERIM APPLICATION (L) NO.19538 OF 2024
WITH
APPLICATION (L) NO.20305 OF 2024
WITH
NOTICE OF MOTION NO.13 OF 2019
WITH
INTERIM APPLICATION NO.565 OF 2020
WITH
INTERIM APPLICATION NO.566 OF 2020
WITH
INTERIM APPLICATION NO.569 OF 2020
WITH
NOTICE OF MOTION NO.10 OF 2019
WITH
INTERIM APPLICATION NO.2875 OF 2024
IN
TESTAMENTARY PETITION NO.780 OF 2013**

Jangbahadur Singh Darshan Singh Gujral ...Plaintiff

vs.

Manmohan Kaur Oberoi and Ant. ...Defendants

Mr. Kunal Bhanage a/w. Mr. Wasim Siddiqui, Mr. Akshay Pawar, for
the Plaintiff.

Ms. Kanchan Dodhi a/w. Ms. Shraddha Naik, for Defendant Nos. 2
and 3(c).

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 20, 2024

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Date: 2024.09.25
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P.C.:

1. Heard the learned counsel for the parties in Interim Application (L) No. 19538 of 2024.
2. Without going into the merits of the allegations in the application, **Mr. Pravin Ganesh Sawant**, learned Advocate is appointed as the Court Commissioner. He is requested to record the cross-examination of the Plaintiff's first witness.

(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) Parties shall also pay costs of Rs.500/- per hearing to the Court Clerk who attends the Commission with Court Papers. This is required since these clerks attend the commission in addition to their duties and outside their normal working hours.

(h) The Commissioner is not to permit any application 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 14th October, 2024 for a status report including as to progress before the Commissioner.

(N. J. JAMADAR, J.)