

Sumedh

**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**

Jangbahadur Singh Darshan Singh Gujral ... Plaintiff
v/s.
Manmohan Kaur Oberoi and
Amarjeet Singh ... Caveators

**WITH
INTERIM APPLICATION (L) NO.14727 OF 2025
WITH
INTERIM APPLICATION (L) NO.19538 OF 2024
WITH
INTERIM APPLICATION (L) NO.20448 OF 2024
WITH
INTERIM APPLICATION NO.2104 OF 2024
WITH
INTERIM APPLICATION NO.2110 OF 2024
WITH
INTERIM APPLICATION NO.566 OF 2020
WITH
INTERIM APPLICATION NO.569 OF 2020
WITH
NOTICE OF MOTION NO.10 OF 2019
WITH
NOTICE OF MOTION NO.13 OF 2019
WITH
INTERIM APPLICATION NO.565 OF 2020
IN
TESTAMENTARY SUIT NO.25 OF 2018**

Mr. Kunal Bhanage a/w. Adv. Vasim Siddique, Adv. Priyanka Acharya
for the Petitioner.

Ms. Shraddha Nair a/w. Adv. Kanchan Dodhi for Defendant Nos.2 to
3(c).

CORAM : KAMAL KHATA, J.

DATED : 9TH OCTOBER 2025.

P.C. :

INTERIM APPLICATION (L) NO.14727 OF 2025

1. Learned Advocate for the Defendant submits that she has paid the Commissioner's fees as directed yesterday.
2. On her request, it is clarified that the aforesaid payment shall be subject to the outcome of the Interim Application filed for fixation of the Commissioner's fees.

INTERIM APPLICATION (L) NO.19538 OF 2024

3. This Interim Application, filed for change of Court Commissioner appointed vide Order dated 30th April 2024, has worked itself out, as a new Commissioner has already been appointed vide Order dated 20th September 2024.
4. In view thereof, the Interim Application is disposed of.
5. At this stage, learned Advocate requests for change of Court Commissioner. Though it was strongly opposed by the Plaintiff's Counsel, without getting into this controversy, this request is accepted, only with a view to proceed with the matter.
6. Ms. Janhavee Joshi is appointed as Court Commissioner. The details as under:

Name : Ms. Janhavee Joshi.
Address : 103, First Floor, Gundecha Chambers, Nagindas
Master Road, Fort, Mumbai 400 001.
Mobile No. : 9764596345.
Email : joshi.janhavee@gmail.com

- (a) The Commissioner shall note demeanor of the witnesses in accordance with Order XVIII Rule 4(4) of the Code of Civil Procedure, 1908.
- (b) All cross-examination shall be conducted and recorded strictly in question-and-answer format.
- (c) The Commissioner shall have the discretion to direct video recording of the cross-examination, in whole or in part, for the Court's reference. Should that be done, the original audio-visual recording shall be submitted along with Commissioner's Report to the Registry.
- (d) Re-examination, if any, will be conducted in court.
- (e) The parties shall pay cost of Rs.500/- per hearing to the Court Clerk attending the Commission with Court papers. This is to compensate for duties performed beyond regular working hours.
- (f) The Commissioner shall not permit adjournments on pre-fixed dates, except where absolutely unavoidable. Mere inconvenience or unavailability of counsel shall not be considered sufficient ground.

7. Commissioner shall endeavour to complete the recording of evidence within a period of four weeks from the date of uploading of this Order on the website of this Court.

8. All costs and charges of the present Commissioner, for recording of evidence of this attesting witness (who is 87 years old and bedridden), shall be borne by the Plaintiff.

9. The learned Advocate for the Plaintiff submits that the evidence of this attesting witness shall be subject to ruling on the pending application under Order VII Rule 11 of the Code of Civil Procedure, 1908.

10. The Court Commissioner is directed to visit the residence /premises of the said witness for recording of evidence.

11. The Plaintiff's Advocate shall arrange to carry the original documents along with Court Commissioner. Plaintiff's Advocate shall intimate the Defendant's Advocate by digital mode or private service, well in advance, of the exact date proposed for recording of evidence of the witness.

12. List the matter on 12th November 2025 for hearing the Order VII Rule 11 Application.

(KAMAL KHATA, J.)