

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

MISC. PETITION NO. 20 OF 2003

IN

TESTAMENTARY PETITION NO.1014 OF 1999

Mrs.Madhu Ramchand Lund

..... Petitioner

VERSUS

Chandulal Bhagwandas Hinduja & Ors.

..... Respondents

Mr.A.Wachasundar, i/b. Meghraj & Associates for the Petitioner.

Mr.N.Amin for Respondent nos. 1 and 2.

Ms.Sunanda Kumbhat, a/w. Ms.Gauri Chhabriya for Respondent no.3.

Ms.S.Shaikh, i/b. S.K.Srivastav & Co. for Respondent no.4.

CORAM : R.D. DHANUKA, J.

DATED : 24th JULY, 2014

P.C.

At this stage, learned counsel appearing for the respondent nos. 1 and 2 invited my attention to the inadvertent errors crept in the notes of evidence recorded on 9th July, 2014.

The witness is described as **PW-6** on the first page of the evidence, shall be described as **R1 & R2-W6**.

In paragraphs 3, 4 and 5, exhibits marked as **PW-6(1), PW-6(2) and PW-6(3)** shall be read as **R1 & 2-W6(1), (2) and (3) respectively**.

**CROSS EXAMINATION CONTINUES BY THE LEARNED COUNSEL
APPEARING FOR THE PETITIONER :-**

WITNESS IS ON SOLEMN AFFIRMATION :-

Name : Vandana Jaysing
Age : 62 years
Occupation : Advocate
Address : 208, Jaldarshan, Ruia Park,
Juhu, Mumbai.

1. I have not maintained any register of receipts.
(Witness volunteers I have maintained the receipt books.) I have not filed annual returns for the year 2001-2002. I have not notified the loss of the notary register and receipt books to the authority. I have only filed a police complaint.
2. The attestation in question is prior to 18th December, 2001 and thus the seal was maintained in accordance with the circular in force at the time of attestation. When the declaration was attested by me, the signature of the deponent was not identified by any advocate. I knew the deponent, she being closely related to me.
3. It is not correct to say that the petitioner and respondent no.4 did not come to my office on the date of attestation. It would be correct to say that respondent no.3 is controlled by Hinduja Group of Companies.
4. I don't know whether Asia Films Private Limited is also controlled by Hinduja Group of Companies or not. I cannot recollect. I cannot say whether Indus Inn Enterprises and Finance Limited is controlled by Hinduja Group of Companies.

5. Question : I put it to you that Indus Inn Bank Limited is controlled by Hinduja Group of Companies ?

Answer : I am not aware.

6. Question : I put it to you that you were appearing for the above referred three companies during the period 1994 – 2014 ?

Answer : It is not correct.

7. Question : Will it be correct to say that you have drafted Exhibits R1 R2 (2 and 3) ?

Answer : It is not correct.

8. Question : Is it correct to say that after attestation of the two declarations referred to aforesaid in September 2001, the suit property was sold by defendant nos. 1 and 2 to defendant no.3 ?

Answer : I do not remember.

9. It would be correct to say that in the police complaint, the date of loss of my documents and notary register was not mentioned. As per prevailing practice, the police officer would record the date of lodging complaint.

10. It is not correct to say that I have not notarised the declarations. It is not correct to say that I have filed any false affidavit.

Ms.Kumbhat, learned counsel appearing for defendant no.3 does not wish to cross examine the witness.

Learned counsel appearing for defendant no.4 states that she adopts the cross examination conducted by the petitioner.

Cross examination of the witness is concluded.

No re-examination. Evidence of this witness is closed. Defendant nos. 1 and 2 closes their evidence.

[R.D. DHANUKA, J.]