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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
TESTAMENTARY & INTESTATE JURISDICTION**

**MISC. PETITION NO. 20 OF 2003  
IN  
PETITION NO. 1014 OF 1999**

Mrs. Madhu Ramchand Lund ... Petitioner

Versus

Chandulal Bhagwandas Hinduja and Ors. ... Respondents

Mr. A. Wachasundar i/by Meghraj and Associates for the petitioner.

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

Ms. Sunanda Kumbat along with Mr. G. Chhabriya for respondent no. 3.

Ms. S. Shaikyh i/by S.K. Srivastav & Co. for respondent no. 4.

**CORAM : R.D.DHANUKA J.  
DATED : APRIL 11, 2014.**

P.C.

Respondent no. 1 seeks issuance of witness summons to advocate and notary public Ms. Vanjadana Jaisingh. Respondent no.1 claims to be executor of the will in respect of which probate is granted by this court and which is sought to be revoked by the petitioner in this Misc. Petition. Application for issuance of witness summons is opposed by the petitioner on the ground that the same notary public has already filed affidavit stating that the notary register is not available and thus no purpose would be served by issuance of any witness summons to advocate and notary public.

2. I am not inclined to accept the submission made by the learned counsel for the petitioner that no purpose would be served if witness summons is issued to the advocate and notary public. The relevancy of the evidence of the advocate and notary public would be considered once such witness is allowed to file affidavit or to examine himself as a witness. In my view such evidence cannot be allowed to be shut at this stage.

3. Office is directed to issue witness summons to Ms.Vandana Jaisingh, advocate and notary public with a direction to remain present in terms of application filed by the first respondent before this court at 3.00 p.m., on 2<sup>nd</sup> May, 2014. Application of respondent no. 1 for issuance of witness summons is accordingly disposed of.

**(R.D.DHANUKA, J.)**