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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 20 OF 2003
IN
TESTAMENTARY PETITION NO. 1014 OF 1999**

Madhu R. Lund ...Petitioner
Versus
Chandulal B. Hinduja & Ors. ...Respondents

Mr. Vachasunder, *i/b M/s. Meghraj & Co., for the Petitioner.*
Mr. N. Amin, *for the Respondents Nos.1 & 2.*
Ms. S. Kumbhat, *i/b Mrs. G. Chabria, for the Respondent No.3.*

CORAM: G.S. PATEL, J
DATED: 12th December 2014

PC:-

1. The counsel on behalf of the Petitioner makes a grievance that the witness, one Vishin Gurnani, whose evidence is proposed to be led by Respondent No.3 is not deposing on behalf of the Respondent No.3 at all. The submission is that the Respondent No.3 must lead its evidence first, as required what Order 18 Rule 3 of the Code of Civil Procedure, 1908.

2. What this submission overlooks is that the Respondent No.3 is a company. Faced with this, the submission now is that the witness's Affidavit has said that that he is authorised by a resolution passed by the Board of Directors of Hinduja Group Limited earlier known as M/s. Aasia Management and Consultancy Private Limited to file this Affidavit. The counsel for the Petitioner makes a grievance that since the Affidavit is made on behalf of a Company which was formerly known by some other name, therefore, his evidence cannot be led and some other evidence on behalf of the 3rd Respondent must be led.

3. The name of the Respondent No.3 is M/s. Aasia Management and Consultancy Private Limited, i.e., the earlier name of the company that has authorised the deponent to file the evidence affidavit. The Affidavit makes it abundantly clear that from the very first page that Mr. Gurnani's evidence is on behalf of the 3rd Respondent. I am unable to see what possible grievance the Petitioner has about this Affidavit.

4. The submission that the 3rd Respondent company must first lead "its evidence" and not "the evidence of a witness" is without substance. No company can lead evidence except through a witness. This should be obvious to anyone, and having a degree in law does not make it less so.

5. No orders.

(G. S. PATEL, J.)