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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 Ramchand Lund ...Petitioner
Versus
C.B. Hinduja & Ors. ...Respondents

Mr. Vachasunder, *i/b M/s. Meghraj & Associates, for the Petitioner.*
Ms. Simeen Shaikh, *i/b M/s. S.K. Srivastav & Co., for Respondent*
No. 4.
Mrs. S.R. Kumbhat, *i/b Gauri Chhabria, for Respondent No. 3.*

CORAM: G.S. PATEL, J
DATED: 15th April 2015

PC:-

1. The 3rd Respondent seeks to prove in evidence five documents separately compiled. The Affidavit in lieu of Examination-in-Chief of one Vishin Gurnani affirmed on 30th October 2014 on behalf of the 3rd Respondent has been filed and is on record. Mr. Gurnani is personally present in Court. The 3rd Respondent seeks to prove these five documents through this witness.

2. I have considered the affidavit and heard Advocates for the parties. The document at Serial No. 2 is a photocopy of the Memorandum of Understanding. It is referred to in paragraph 6 of the Evidence Affidavit. There is no explanation as to why the original, a certified copy or a counterpart of the original is not produced. The deposition in relation to the other documents is adequate.

3. Accordingly, the documents at Serial Nos. 1, 3, 4 and 5 of the 3rd Respondent's compilation are taken on record and marked in evidence as Exhibit "R3/2", Exhibit "R3/3", Exhibit "R3/4", and Exhibit "R3/5".

4. The document at Serial No. 2 is marked "V1" for identification. It will be open to the 3rd Respondent in further examination-in-chief, before the cross-examination commences, to prove the Memorandum of Understanding dated 30th April 2001.

5. By consent, Mr. Salil Shah is requested to continue his assignment as Commissioner and is requested to record the cross-examination of the 3rd Respondent.

6. List the matter for directions on 24th June 2015.

(G. S. PATEL, J.)