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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

Madhu Ramchand Lund – Petitioner
V/s.
Chandulal Bhagwandas Hinduja & Ors. – Respondents

Mr. A.P. Vachasundur i/b. Meghraj & Associates for Plaintiff.

Mr. Nainesh Amin for Defendant Nos.1 & 2.

Ms. S.R. Kumbhat for Defendant No.3.

Ms. S.T. Shaikh i/b. S.K. Srivastava & Co. for Defendant No.4

CORAM : MRS. ROSHAN DALVI, J.

DATE : 27th June, 2012.

P.C. :-

1. Admissibility of the documents of Respondent No.1 has to be considered. Some of the documents have been shown to the Plaintiff in the cross examination. Some of the documents have been shown to the Respondent No.4. Those documents shall be considered as Exhibits based upon the cross examination.

2. Admissibility of further documents of Respondent No.1 is considered as follows:

1. Notarised certified true copy of the Will which has been probated in the above petition is marked **Exh.1**.
2. Notarised certified copy of the consent affidavit filed by the Petitioner, Respondent No.2 and 4, who are the Plaintiff in the probate petition is marked **Exh.2** collectively.
3. Upon the oral evidence in paragraph 4 of the affidavit of

examination in chief of Respondent No.1 the original Video Cassette of the thread ceremony is marked **Exh.3** and the original CD of the said ceremony is marked **Exh.4**.

4. Two photographs of the thread ceremony along with the negatives are marked **Exh.5** collectively.
5. Upon the evidence in paragraph 4 of the affidavit of examination in chief of Defendant No.1 the Cash Memo of the photographer dated 27th March,1993 is marked **Exh. 'Y'** for identification.
6. Upon the oral evidence of the witness in paragraph Nos.5 & 6 of the affidavits of examination in chief the Video Cassettes of the engagement ceremony is marked **Exh.6**.
7. Copy letter of the Principal of Duruelo Convent High School addressed to Respondent No.1 dated 29th August, 2012 is marked **'Y1'** for identification.
8. The negative of three photographs already tendered in the cross examination of P.W.1 and identified by P.W.1 are marked **Exh.7** collectively.
9. The certificate issued by Head Mistress of B.P.M. High School dated 21st March,2011 is marked **'Y2'** for identification which would be proved only upon the production of the original record by the witness.
10. Certified copy of the property cards of the suit property being public documents issued by the relevant authority are marked **Exh.8** collectively.

The other documents shown in the cross examination shall be considered when arguments are heard upon their proof or admission.

2. The Commissioner has already been appointed. The

parties shall appear before the same Commissioner on 6th July,2012 and thereafter as directed by the Commissioner. Parties shall pay the fees of the Commissioner as directed earlier. After cross examination of Respondent No.1 is completed before the Commissioner Respondent No.1 shall file affidavit of examination in chief of the other witnesses who are required to identify the documents marked for identification as also any other witnesses with regard to the subject matter of the suit. No further documents are relied upon by the Respondent No.1. Hence those affidavits shall be filed before the Commissioner directly. Those witness shall be examined before the Commissioner directly. Parties shall place the suit on board after entire evidence of Respondent No.1 is complete.

3. The list of witnesses of Respondent No.1 is tendered and taken on record.

(ROSHAN DALVI, J.)