

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY SUIT NO.53 OF 2000  
IN  
TESTAMENTARY PETITION NO.358 OF 2000

S. D. Hamand  
(since deceased) through LR  
Deepak S. Hamand & Others .. Plaintiffs.  
v/s.  
Shri Sunil R. Hamand .. Defendant.

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by SMITA  
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Adv. Divya Parab with Adv. Deepa Kamat, for the Plaintiff.

**CORAM: FIRDOSH P POONIWALLA,J.**  
**DATE : 20<sup>th</sup> SEPTEMBER, 2025.**

**P. C:-**

1 The learned Advocate for the Plaintiff informs this Court that the Plaintiff – Deepak S. Hamand (PW-2) has filed his Affidavit-in-lieu of Examination-in-Chief dated 14<sup>th</sup> December, 2014. It was taken on record by this Court as recorded in the Order dated 7<sup>th</sup> March, 2017.

2 By the said Order dated 7<sup>th</sup> March, 2017, Ms. Jayashree Kurup, an Advocate practising in this Court, was appointed as the Commissioner to record the evidence in the matter. The Court had directed that the Commissioner to endeavour to complete the recording of evidence of Deepak S. Hamand by 30<sup>th</sup> April, 2017.

3 Today, the Court is informed that the Cross Examination of PW-2 has not even commenced and the Commissioner has not fixed any dates in future for the same.

4 In these circumstances, the Commissioner is directed to fix the dates to complete the Cross Examination of PW-2 by 30<sup>th</sup> November, 2025 and file a Report to that effect in this Court by 30<sup>th</sup> November, 2025.

5 It is made clear that, if the Defendant or his Advocate do not remain present for conducting the Cross Examination of PW-2, then the Commissioner will be at liberty to close the Cross Examination of PW-2.

6 Place the matter on board on 4<sup>th</sup> December, 2025.

**(FIRDOSH P. POONIWALLA,J.)**