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**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

Vs.

Shri Sunil R. Hamand ... Defendant

Ms. Deepa Kamath for Plaintiff.

Mr. Rahul C. Mestry a/w Ms. Akshada Jagdale and Mr. Jugal Chheda for
Defendant.

CORAM : FARHAN P. DUBASH, J.

DATE : 17th JANUARY 2026

P.C.:

1. Plaintiff No. 1(A) has been under cross-examination since 2018 and despite the passage of 8 years, the Defendant has not yet concluded the cross-examination. In fact, by an order dated 20th September 2025, this Court had granted a last chance to the Defendant to complete the cross-examination and directed the Court Commissioner to file a report on or before 30th November 2025.

2. It appears that, despite the Court Commissioner fixing dates for

cross-examination, on account of the fact that the same were not convenient to the Defendant and his Advocate on record who is stated to have been unwell on the said date, cross-examination could not be conducted and as a result, cross-examination still remains incomplete.

3. Today, Mr. Rahul C. Mestry, learned Counsel who appears on behalf of the Defendant, once again seeks an extension of time to enable him to conclude the cross-examination of Plaintiff No. 1(A) (PW-2). As and by way of one last chance, time is extended to conclude the cross-examination of the said witness, which shall be done no later than 30th January 2026.

4. The Court Commissioner is requested to fix dates as per her convenience and the convenience of the witness and if the Defendant or his lawyer/arguing Counsel does not remain present on that date, the Court Commissioner shall close the recording of cross-examination and file the report. Such a report shall be filed on or before 3rd February 2026.

5. Place the matter for further directions on 4th February 2026.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil