

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

**TESTAMENTARY SUIT NO.26 OF 2007
IN
TESTAMENTARY PETITION NO.1015 OF 2006**

Dr. Hemang Dayashankar Koppikar ...Plaintiff

Versus

Shakuntala Gajanan Kulkarni
(Deleted Since Deceased) ...Defendant

* * * *

Mr. Ketan Gupta i/by Pravin Upadhyay for Plaintiff.

Mr. Nishant Tripathi i/by M/s. M. Tripathi & Co. for Defendant.

Ms. Nisha Shah i/by Kalpesh Joshi, Associates for Attesting witness

Dr. (Mrs.) Pravina Shah.

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CORAM : R.I. CHAGLA, J.

DATED : 12th SEPTEMBER, 2022

ORDER :

1. By praecipe dated 8th September 2022, the Advocate for the Plaintiff has sought circulation of the matter for the witnesses to be directed to remain present in Court and identifying their signatures and that the Testatrix on the Original Will, when the matter was circulated on 8th September 2022. The parties have agreed that if the Original Will could be produced through the Court Officer before the Commissioner who is recording the evidence, the Attesting Witnesses could be in a position to identify their

signatures and that of the Testatrix on the Original Will. In view thereof, the matter was stood over to today.

2. In view of the joint request made by the learned counsel for the parties, the Testamentary Department shall assign a responsible person from the Department to produce the Original Will before the Commissioner recording the evidence on the date fixed which is 17th September 2022 at 12.00 p.m. at Room No.66, Ali Chambers, Tamrind Lane, Fort, Mumbai, timing:- 12.00 p.m. on 17th September 2022 for the limited purpose of the Attesting Witnesses identifying their signatures and that of the Testatrix of the Original Will. As soon as that is done, the concerned responsible person of the Testamentary Department shall once again return the Original Will to the file of this Court.

3. Accordingly, Application by way of praecipe is disposed of.

4. At this stage, a joint request is made by the learned counsel for the parties for extension of the time for completion of cross-examination which was to be completed by 30th September 2022 to a subsequent date in order for the cross-examination of the Plaintiff's two witnesses be completed.

5. In view thereof, time fixed by order dated 4th August 2022, for concluding the recording of evidence by 30th September 2022 is extended to 15th October 2022. Further, the Commissioner shall place the report before this Court on 19th October 2022 instead of 6th October 2022 as earlier been fixed by order dated 4th August 2022.

(R.I. CHAGLA, J.)