

**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

**Vs.**

Mrs. Shakuntala Gajanan Kulkarni & Ors.

.....Defendants

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Mr. K. Shroff i/by Pravin Upadhyay for Plaintiff.

Mr. Arun Tripathi a/w Nishant Tripathi i/by M/s. M. Tripathi & Co. for  
Defendants.  
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**CORAM : ARIF S. DOCTOR, J.**

**DATE : 14<sup>th</sup> MARCH, 2023**

**P.C.:-**

1. Affidavit-in-Reply tendered by learned counsel for the Defendants is taken on record. Copy of the same has already been served.
2. The Plaintiff, vide an affidavit dated 18<sup>th</sup> October, 2022, had *inter alia* submitted that the attesting witness namely Mr. Aroon Khambadkone is 77 years old and not in a condition to give evidence. Learned counsel submits that despite numerous efforts being made, including issuance of a witness summons, Mr. Aroon Khambadkone has failed to respond and come forward to lead evidence.

3. I have perused a copy of the said affidavit and accordingly direct that evidence of Mr. Aroon Khambadkone is closed. Matter to proceed accordingly.
4. The evidence of Plaintiff stands closed. Defendant to file list of witnesses on or before the next date.
5. Stand over to 28<sup>th</sup> March, 2023.

**(ARIF S. DOCTOR, J.)**