

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.

Shakuntala Gajanan Kulkarni & Ors. ...Defendants

Mr. Karl Shroff i/by Mr. Pravin Upadhyay for the Plaintiff.

Mr. Nishant Tripathi i/by M. Tripathi & Co. for the Defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 18th APRIL, 2023

P.C. :

1. Mentioned. Taken out of turn.
2. By an order dated 14th March, 2023, the Defendants were to file their list of witnesses on or before the next date. Learned Counsel for the Defendants has today tendered the list of witnesses.
3. Learned Counsel for the Defendants submits that one of the witnesses is a Handwriting Expert who will require to examine the original Will and also take high resolution photographs of the same for the purpose of preparing a Report. He also submits that the original Will is bound and would be required to be unbound for the purpose of inspection. Mr. Shroff, learned Counsel for the Plaintiff very fairly does not oppose this however requests that

inspection be taken in the presence of the Advocates for the Plaintiff. Accordingly, the Advocate for the Defendants is permitted to take inspection of the original Will in the presence of Advocates for the Plaintiff.

4. Learned Advocate for the Defendants shall also be permitted to take high resolution photographs of the said Will. If found necessary, he shall be permitted to unbind the said Will and thereafter in the presence of the Advocates for the Plaintiff to rebind the same. The said process of inspection shall be done within a period of one week from today.

5. Learned Counsel for the Defendants submits that the Affidavit of evidence of the second witness Dr. Prashant C. Nanawati is ready and can be filed within a period of one week from today. He requests that the cross-examination of the second witness to proceed first. Mr. Shroff, learned Counsel for the Plaintiff has no objection to this request. In so far as the evidence of the other two witnesses is concerned, the same to be filed on or before 14th June, 2023.

6. Stand over to 28th April, 2023 at 2.30 p.m. (First on Board).

(ARIF S. DOCTOR, J.)