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**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 ..Petitioner

v/s.

Shakuntala G. Kulkarni

(deleted since deceased) through Lrs

Gajanan Kulkarni & Ors.

..Defendants

WITH

NOTICE OF MOTION NO.128 OF 2011

IN

MISCELLANEOUS PETITION NO.59 OF 2011

Mr. Pravin Upadhyay for the plaintiff.

Mr. Nishant Tripathi i/b. M. Tripathi & Co. for the defendants.

CORAM : A.K. MENON, J.

DATED : 28TH JANUARY, 2020.

P.C. :

1. The learned counsel for the defendants states that he has had the matter circulated since the suit was expedited by the Supreme Court in the year 2014. The plaintiff is represented today. His Advocate states that he has just been appointed and seeks time. He tenders an

affidavit. He seeks to file an affidavit of the attesting witness who is unable to attend the Court on account of his ailment. The learned counsel for the defendant states that he will file list of witnesses whom he proposes to examine. In order to enable him to take instructions, stand over to 11th February, 2020.

2. It is made clear if the list of witnesses is not filed on 11th February, 2020, the suit is liable to be dismissed.

(A.K. MENON, J.)

wadhwa