

HARSHADA H. SAWANT
(P.A.)

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

TESTAMENTARY SUIT NO.70 OF 2025

Archana Chandresh Thakkar .. Deceased
Rajesh Govindkumar Chandan and Ors. .. Plaintiffs
Versus
Chandresh Ramniklal Thakkar and Anr. .. Defendants
.....
• Mr. Abheek Melwani, Advocate for Plaintiffs.
.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 27, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 27.04.2026. Perused the praecipe.
- 2.** Heard Mr. Melwani, learned Advocate for Plaintiffs.
- 3.** Mr. Melwani draws my attention to order dated 17.04.2025 wherein issues were framed and directions were given for filing further process including filing of Affidavit-in-lieu of examination-in-chief of Plaintiffs' witnesses. However the said direction is of filing of Affidavit-in-lieu of examination-in-chief of only first witness. That is wrong procedure which is adopted in the order dated 17.04.2025.
- 4.** This Court does not subscribe to the said procedure at all. If evidence is required to be led of witnesses before Court until and unless the any witness is an expert witness under Section 46 of the

Indian Evidence Act, 1872, the Affidavit-in-lieu of examination-in-chief of all other witnesses of facts have to be filed alongwith affidavit of documents. This is the correct procedure in law followed by this Court. The directions contained in paragraph No.3 of order dated 17.04.2025 to that extent therefore stand varied and modified.

- 5.** Plaintiffs are directed to file Affidavit-in-lieu of examination-in-chief of all five of its witnesses alongwith Affidavit of documents and only if they are filed, Department is directed to accept the same and proceed further in accordance with law.
- 6.** Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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