

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY SUIT NO. 72 OF 2017

IN

PETITION NO. 802 OF 2014

Dinesh Chand Gupta

.....Plaintiff

Vs.

Shashi Wd/o Keshavchandra Dwivedi

.....Caveator/Defendant

Mr. Nitin R. Gandhi for Plaintiff.

Mr. Omprakash Pandey a/w Ms. Suchita Pandey & Pramila Prajapati for
Defendant.

CORAM : ARIF S. DOCTOR, J.

DATE : 30th JANUARY, 2023

P.C.:-

1. By an order dated 7th February, 2018, the Plaintiff was given a last chance to file list of witnesses, affidavit in lieu of Examination-in-Chief of attesting witness/es of the Plaintiff and serve a copy of the same upon the Defendant.

2. Today, despite spending over half an hour on the matter, learned counsel for the Plaintiff was unable to point out as to whether he has complied with the said order.

3. Learned counsel seeks to tender an affidavit of one Manoj Gupta dated 6th February, 2020. However, since learned counsel has been unable to satisfy me as to whether there has been due compliance of the order of 7th February, 2018, office to verify if the order dated 7nd February, 2017 is duly complied with, in the event it is not, Suit will stand dismissed.
4. In the event that the Plaintiff has complied with the order, the Court shall consider on the next occasion whether to take on record the additional affidavit of Manoj Gupta at this stage. It is made clear that, if the same is taken on record, it would be subject to payment of costs.
5. Place the matter on 6th February, 2023, high on Board.

(ARIF S. DOCTOR, J.)