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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 35 OF 2008
IN
TESTAMENTARY PETITION NO. 100 OF 2008**

Ashokan B Kundai ...Plaintiff
Versus
Suresh P Karippara ...Defendant

Mr Nirman Sharma, *i/b Deepesh Yadav, for the Plaintiff.*
Purnima Bhatia, *with Roshan D, for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 25th March 2021

PC:-

1. The Plaintiff has closed his case.

2. Ms Bhatia proposes to lead the evidence of at least two witnesses.

3. The doctor who was examined on behalf of the Plaintiff tendered his Affidavit in lieu of Examination-in-Chief. This was filed in 2015. He was cross-examined in 2021. A formal order may have remained to be passed taking on record the Affidavit in lieu of Examination-in-Chief. Nonetheless that Affidavit was with

everybody. It is not my practice to separately mark the Evidence Affidavit as Exhibits, but to have them on record so that they can be properly compiled as part of the oral testimony. Thus, the Evidence Affidavit of the doctor, PW4, will be treated as having been filed in Court and his evidence will be read accordingly.

4. The Defendant shall, on or before 26th April 2021, file (i) the affidavit of the first witness, (ii) the evidence affidavit of the Defendant; (iii) an affidavit of documents; and (iv) a compilation of documents duly indexed and paginated. Copies of each of these will be served on the advocates for the Plaintiff on or before that date. If not done by that date, the Defendant's case will be closed.

5. Subject to the above, list the matter for marking the Defendant's documents on 29th April 2021. If there is non-compliance, the matter will be taken up for directions for re-compiling the record and setting a date for final hearing.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)