

Atul

**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 Balkrishna Kundai	...Plaintiff
<i>Versus</i>	
Suresh Prabhakar Karippara	...Defendant

Mr BG Saraf, for the Plaintiff.
Ms Purnima Bhatia, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 19th June 2018

PC:-

1. By consent, Mrs. Savita Ganoo (Mobile No. 98204 50243) is appointed as a Commissioner and is requested to record the cross-examination of the Plaintiff's second witness.

- (a) The Commissioner is at liberty to exercise discretion under Order XVIII Rule 4(4) of the Code of Civil Procedure, 1908, to note the demeanour of the witnesses where necessary.
- (b) All cross-examination shall be conducted strictly in question and answer form.

- (c) The Commissioner will also be at liberty to direct that the whole or any part of the cross-examination should be video recorded for later reference of the court. Should that be done, the original audio visual recording will be submitted along with the Commissioner's Report to the Registry.
- (d) Liberty to the parties as also to the Commissioner to apply in case of difficulty.
- (e) All re-examination will be conducted only in court.
- (f) Costs of the commission shall be borne equally by the parties.
- (g) Parties shall also pay costs of Rs. 500/- per hearing to the Court Clerk who attends the Commission with Court Papers. This is required since these clerks attend the commission in addition to their regular duties and outside their normal working hours.
- (h) The Commissioner is not to permit any applications for adjournment on dates previously fixed, except where absolutely unavoidable. Counsel's inconvenience or unavailability does not constitute such unavoidability.

2. List the matter on 30th August 2018 for a status report including as to progress before the Commissioner.

(G. S. PATEL, J)