

HARSHADA H. SAWANT
(P.A.)

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

**TESTAMENTARY SUIT NO.37 OF 2008
IN
TESTAMENTARY PETITION NO.52 OF 2006**

Sindhu Parshuram Shinde .. Plaintiff
Versus
Pradeep Parshuram Shinde .. Defendant

**WITH
TESTAMENTARY PETITION NO.511 OF 2007**

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• Mr. Anand Prakash Mishra, Advocate for Plaintiff.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 06, 2023

P.C.:

- 1.** Heard Mr. Mishra, learned Advocate for Plaintiff.
- 2.** On 02.05.2023, this Court passed the following order:-

“1. Mr. Mishra, Learned Counsel for the Plaintiff invited my attention to the order dated 19th August 2019 and submitted that despite the Defendant being granted last chance to complete the cross examination of the Plaintiff's witness within a period of 4 weeks, the Defendant has failed and neglected to do so. The Suit was thereafter listed from time to time. On the previous occasion i.e. on 28th April 2023 when the matter was listed, the Learned Counsel for the Plaintiff was directed to give notice to the Defendant of the today's date of hearing. Learned Counsel for the Plaintiff submitted that he has done so. The Defendant is personally present in Court. He does not make any submission.

2. In view thereof, the cross examination of the Plaintiff is thus treated as closed.

3. Place the matter for final arguments on 20th June 2023.”

- 3.** Today when the matter is called out the Defendant is not present. I am informed that he is not represented by any Advocate. In

that view of the matter, Advocate for the Plaintiff is directed to intimate to the Defendant to remain present on the next adjourned date on which date this Court shall commence with the final arguments in the present Testamentary Suit proceedings.

4. Advocate for Plaintiff is directed to serve the Defendant and inform the Defendant the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof so as to enable this Court to pass appropriate orders on the next adjourned date.

5. List this Testamentary Suit alongwith Testamentary Petition No.511 of 2007.

6. Stand over to **13th July, 2023.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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