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

TESTAMENTARY SUIT NO. 36 OF 2012

IN

TESTAMENTARY PETITION NO. 1049 OF 2011

WITH

SUIT NO. 1155 OF 2011

Lokmanya Hasanand @ Hassanand Menghani ...Plaintiff
Versus
Mahesh Dayaldas Menghani ...Defendant

APPEARANCES

FOR THE PLAINTIFF Mr. Madhav J. Jamdar.
FOR THE DEFENDANT Ms. Anita Borkar.

CORAM: G.S. PATEL, J
DATED: 20th December 2014

P.C. :

1. The Plaintiff has filed an affidavit dated 14th November 2014 of one Naina Mohan Menghani, an attesting witness of the Will dated 27th January 2010, that is propounded in this Petition. There is also an affidavit of documents on file of the Plaintiff and a compilation. There is also an Affidavit in lieu of Examination-in-Chief of Bhartesh Lokmanya Menghani, the second Petitioner.

2. The Plaintiff seeks to prove two documents. The first is the Will dated 27th January 2010 and the second is the Death Certificate of the deceased.
3. In view of the submissions made in the affidavit of the attesting witness, the Will dated 27th January 2010 of Satyabhama Dayaldas Menghani is taken on record and marked in evidence as **Exhibit "P1"**. It is clarified that marking of this document in evidence does not mean that the Defendant has accepted either its due execution or its veracity.
4. The second document, the Death Certificate of the deceased is taken on record and marked in evidence as **Exhibit "P2"**.
5. Mr. A. R. Bapat is requested to take up the assignment of recording the cross-examination of the attesting witness of the Plaintiff and, thereafter, the Plaintiff himself.
6. Mr. Bapat is requested to undertake this assignment at his earliest convenience. The cross-examination shall be recorded only in question and answer form with no exceptions. No re-examination is to be conducted before the learned Commissioner. Any question in re-examination will be taken only in Court. Costs of the commission, including the Commissioner's fees, are to be shared equally by both parties.
7. List the matter for directions, including as to progress before the Commissioner, on 4th February 2015.

(G. S. PATEL, J.)