

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

Amk

MISC. PETITION NO. 66 OF 2012  
IN  
TESTAMENTARY PETITION NO. 498 OF 2009

Pushpa Shrikant Patki & Ors. .. Petitioners  
Vs.  
Vinod Chandrakant Donde & Anr. .. Respondents

Mr. Pranesh Gada i/b Meenakshi Dhanuka for the Petitioners.  
Ms. Neha Bhat i/b Bilawala & Co. for the Respondent.

**CORAM** : **MRS. ROSHAN DALVI, J.**  
**DATE** : **22<sup>nd</sup> SEPTEMBER, 2014.**

P.C.

1. Two documents have been marked in the P-1 & P-2. Affidavits of examination-in-chief of petitioner Nos.3 & 4 are filed. They are accepted on record under the provisions of Order 18 Rule 4 of the CPC. By consent, Mr. Anurag Gokhale is appointed Commissioner to record the cross-examination of the witness in the above petition. Parties shall appear before the Commissioner initially on 7<sup>th</sup> October, 2014 at 5 p.m. and thereafter as fixed by the Commissioner. Parties shall pay the fees of the Commissioner equally. Commissioner shall record the evidence preferably day to day.

2. The Advocate on behalf of the petitioner states that after the cross-examination of petitioner Nos.3 & 4 the petitioners shall examine the officer in the office of Sub-Registrar of Assurances to prove the document marked P-2. That witness shall be produced before the Court Commissioner after the cross-examination of petitioner Nos.3 & 4 is over.

3. Advocate for the petitioner states that thereafter the petitioners shall close their case.

4. The respondents shall file their affidavit of evidence, if any, before the Court Commissioner directly within two weeks of the closure of the case of the petitioners. The respondents or their witness shall be cross-examined before the Court Commissioner. Parties shall place the petition on board which shall be along with Notice of Motion No. 17 of 2013 thereafter.

**(ROSHAN DALVI J.)**