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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 60 OF 2013
IN
TESTAMENTARY PETITION NO. 1020 of 2010

Satish Aurora	...Plaintiff
<i>Versus</i>	
Sunil Kapoor	...Defendant

Mr. B.G. Saraf, for the Plaintiff.
Mr. Rupesh Lanjewar, i/b Mr.A.G. Damle, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 3rd November 2014

PC:-

1. The Plaintiff seeks to prove two documents. The first is the original death certificate of the testatrix. It is taken on record and marked in evidence as **Exhibit "P1"**. The second document is medical certificate of one Dr. D.R. Batra, attesting as to the testatrix's state of health. It is marked as **"X1" for identification.**
2. The original Will as also the copy produced by the Plaintiff are collectively assigned numbering for convenience and ease of reference, viz., **Exhibit "P2"**. It is clarified that this numbering

does not indicate and should not be construed as indicating that the Will has been proved.

3. The Plaintiff suffers from ill health and a very serious ailment. His evidence will need to be taken *de bene esse* on commission. Mr. Deepak Thakare has been appointed as a Commissioner. In view of the Plaintiff's ill health, he is requested, as a special case, to give this matter priority and to record the cross-examination, if any, of the Plaintiff as early as possible at his residence.

4. Since the Plaintiff's cross-examination is required to be taken at his residence, the original record and proceedings, as also the original Will, will be required to be taken to the Plaintiff's residence. The registry is directed to let the original papers and will be taken to the Plaintiff's residence by a representative of the registry, who will accompany the Plaintiff's advocate.

5. As noted in previous orders, the Defendant does not seem to have instructed his Advocates. It is clarified that this is not a ground for adjourning the cross-examination of the Plaintiff on commission. If the Defendant does not instruct his Advocates to cross-examine the Plaintiff, the cross-examination by the Defendant will be closed. The Commissioner is directed not to grant any adjournment for this purpose.

6. List the suit for further directions on 19th November 2014.

7. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)