

*Atul*

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

Satish Aurora ...Plaintiff  
*Versus*  
Sunil Kapoor ...Defendant

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**Mr. B. G. Saraf, for the Plaintiff.**

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**CORAM: G.S. PATEL, J  
DATED: 23rd April 2015**

**PC:-**

1. Heard Mr. Saraf, learned Advocate for the Plaintiff.
2. The Plaintiff is in the last stages of cancer. His cross-examination was completed on commission in January 2015. By an order dated 8th January 2015, the Defendant was given time till 27th January 2015 to file his evidence affidavit and compilation and the matter was to be listed on 2nd February 2015 for marking the Defendant's documents. The Defendant appears to have done nothing in the matter. Certainly, there is no compliance with the order of 8th January 2015.

3. As a final opportunity, and only by way of indulgence and further without any possibility of extension, time for compliance with the 8th January 2015 order is extended till 29th April 2015. If by that date, the Defendant has not filed and served his evidence affidavit and compilation, the Defendant will be deemed to have closed his case and the suit will be peremptorily set down for hearing and final disposal in the week of 5th May 2015.

4. List the matter for directions on 30th April 2015.

**(G. S. PATEL, J.)**