

*Sharayu.*

**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.**  
**Mr. Ajay Kumar, for the Defendant.**

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**CORAM: G.S. PATEL, J**  
**DATED: 30th April 2015**

**PC:-**

1. The Plaintiff's evidence is complete. The Plaintiff himself is terminally ill from cancer and yet Mr. Saraf, learned Advocate for the Plaintiff, has managed to complete that all needed to be done by the Plaintiff in the trial.

2. The Defendant was directed in January to file an Evidence Affidavit. It seems that he has changed several lawyers in that time and has now filed and served his Evidence Affidavit, after three changes of legal advisors.

3. The Defendant seeks time to the end of June to make himself available for cross-examination. That is unacceptable. The Defendant will make himself available before Mr. Deepak Thakre, the Commissioner already appointed, from Saturday 2nd May 2015 onward, failing which the Defendant will be deemed to have closed his case and not offered himself for cross-examination.
  
4. List the matter for directions on 8th May 2015.

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