

**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  
V/s.  
Sunil Kapoor & Ors. ...Defendants

.....  
Mr. B. G. Saraf for the Plaintiff.  
Mr. Ajay Kumar for the Defendants.

.....

**CORAM : A. K. MENON, J.**

**DATE : 9TH FEBRUARY, 2016.**

PC.:

On 21st November, 2015 pursuant to the request made by the Advocate for the plaintiff, leave was granted for issuance of witness summons to Mrs. Anju Walia one of the caveators. The summons was returnable on 14th December, 2015 on which date the matter could not taken up for want of time. The learned counsel appearing for the summoned Caveatrix states that she was travelling and therefore did not remain present but Mrs. Walia will appear for the Commission on the next date of hearing.

2] It is common ground that the cross examination was to be completed before 20<sup>th</sup> January, 2016 and accordingly the matter was

adjourned today. Mr. Saraf makes a grievance that the witness Mrs. Walia has not appeared before the Commissioner despite the statement made by her Advocate to the effect that she would remain present. Even today, she is not present.

3] Mr. Ahuja the learned counsel for the caveatrix states that he has since not received any instructions from his client who is unavailable despite attempts to contact her on telephone and has also addressed a letter. It appears that the caveatrix is not interested in pursuing the caveat any longer. In the circumstances, the evidence on behalf of the defendants stands closed. In view of the closure of the evidence of the defendants, list the matter for hearing on 25<sup>th</sup> February, 2016.

**(A. K. MENON, J.)**