

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 42 OF 2012
IN
TESTAMENTARY PETITION NO. 64 OF 2011

Dr. Govindaraja Venkatesh Iyengar ..Plaintiff

Versus

A.R. Sampathkumar (Since Deceased) & Ors ...Defendants

WITH
IN PERSON APPLICATION NO. 74 OF 2019
IN
TESTAMENTARY SUIT NO. 42 OF 2012
WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 603 OF 2013
WITH
NOTICE OF MOTION NO. 1257 OF 2019
IN
SUIT NO. 603 OF 2013
WITH
CHAMBER SUMMONS NO. 498 OF 2018
IN
SUIT NO. 603 OF 2013

Mr. Karl Shroff with Avinash Joshi, i/b Mulla & Mulla & CBC, for the
Plaintiff.

Mr. I.S. Prakash, Defendant No.1B, present in person.

Mr. Ajay J Yadav, Section Officer, Court Receiver Office present.

CORAM: N. J. JAMADAR, J.

DATED : 17th APRIL 2026

P.C.:

1. Heard Mr. Karl Shroff, the learned Counsel for the Plaintiff, and Mr. I.S. Prakash, Defendant No.1B in person.
2. The affirmed Affidavit of A.R. Sampathkumar, the Defendant-original Caveator, dated 24th November 2014, is at page nos. 154 to 156. An unaffirmed copy of the said Affidavit also forms part of the record.
3. It appears that on 10th December 2014, certain paragraphs of the said unaffirmed copy were marked in red ink by this Court. By the said order those portions of the Affidavit indicated in red square bracket were excluded and it was further provided that the Plaintiff shall be entitled to ignore them during the cross-examination without fear of adverse inference or consequence.
4. To have absolute clarity, this Court considers it appropriate to mark the said unaffirmed copy of the Affidavit of A.R. Sampathkumar, with the excluded portions marked in red ink, as a separate exhibit, for the purpose of identification and reference.
5. The learned Counsel for the Plaintiff and Defendant No. 1B who appears in person, submit that they have no objection for the marking of the aforesaid document.
6. The unaffirmed copy of the said Affidavit with the portions marked in red ink is now marked as Exhibit "D10".

7. Closed for judgment.

[N. J. JAMADAR, J.]