

HARSHADA H. SAWANT
(P.A.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**TESTAMENTARY PETITION NO.3726 OF 2021
WITH
TESTAMENTARY PETITION NO.397 OF 2021
WITH
WILL NO.153 OF 2021
IN
TESTAMENTARY PETITION NO.397 OF 2021
WITH
TESTAMENTARY SUIT NO.96 OF 2022
IN
TESTAMENTARY PETITION NO.397 OF 2021
WITH
CAVEAT NO.133 OF 2022
IN
TESTAMENTARY PETITION NO.397 OF 2021**

Ushaben Ashwinkumar Hundiwala alias
Usha Ashwinkumar Hundiwala .. Deceased

Jatin Ashwinkumar Hundiwalla .. Petitioner

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- Mr. Prem Gidwani a/w. Ms. Mumtaz Shaikh, Advocates for Plaintiff in Testamentary Suit No.96 of 2022.
 - Mr. A. R. Kapadia a/w. Mr. M. R. Sherekar, Advocates for Petitioner in Testamentary Petition No.3726 of 2021.
 - Petitioner is present.

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**CORAM : MILIND N. JADHAV, J.
DATE : FEBRUARY 03, 2026**

P.C.:

- 1.** Heard Mr. Gidwani, learned Advocate for Plaintiff in Testamentary Suit No.96 of 2022 and Mr. Kapadia, learned Advocate for Caveator and 2 Caveatrices.
- 2.** Pursuant to recording and completion of witness action of

Plaintiff's Witness No.1 yesterday i.e. 02.02.2026 Mr. Gidwani on behalf of Plaintiff files additional Affidavit-in-lieu of examination-in-chief of Plaintiff / Petitioner himself dated 03.02.2026. He would submit that previous Affidavit-in-lieu of evidence dated 23.10.2025 and additional Affidavit both have to be taken on record.

3. In addition thereto he would submit that apart from twin documents which have been marked as Exhibits by Court, Plaintiff being a witness of fact desires to refer to and rely upon three more documents namely original nomination form dated 07.12.1999, original deed of gift dated 24.12.1999, original general power of attorney dated 06.12.1999 which are appended at page Nos.9E to 9S.

4. The originals are submitted in Court in additional Affidavit of Documents. They are taken on record and placed in the original file with the other two documents which are exhibited by the Court yesterday. They shall be marked on the next adjourned date after Mr. Kapadia takes appropriate inspection and gives his admission / denial thereon.

5. Copy of additional Affidavit is given to Mr. Kapadia alongwith copies of the Additional Affidavit of Documents.

6. Mr. Gidwani informs the Court that Petitioner will be travelling to the United States of America on Thursday and will be returning back in April. His dates of availability shall be informed to

the Court through Mr. Gidwani so as to fix his cross-examination and further witness action on those dates.

7. Today Petitioner – Mr. Ajay Bipin Hundiwala is present in Court. Considering the aforesaid additional documents which he refers to and relies upon in support of his case, they will be marked on the next adjourned date after aforesaid procedure is complied with. Within a period of two weeks inspection of original documents shall be taken by Mr. Kapadia along with Advocate for Petitioner – Plaintiff.

8. The Registry shall give inspection to him in presence of Advocate for Plaintiff. He shall intimate the admission / denial to the Plaintiff and apprise the Court on the next adjourned date accordingly.

9. Stand over to **24th February 2026 at 03:00 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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