

Ajay

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

Versus

Jatin Ashwinkumar Hundiwala

.. Petitioner

.....

- Ms. Mumtaz Shaikh, Advocate i/by Mr. Prem Gidwani for Plaintiff in Testamentary Suit No.96 of 2022.
- Mr. M.R. Sherekar, Advocate for Defendant in Testamentary Suit No.96 of 2022.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2026.

P.C.:

1. Heard Ms. Shaikh, learned Advocate for Plaintiff in Testamentary Suit No.96 of 2022 and Mr. Sherekar, learned Advocate for Defendant in Testamentary Suit No.96 of 2022.

2. Today the matter is placed before me for marking of documents. Plaintiff has referred to and relied upon three documents, original of which are placed before the Court. The following three documents are relied upon by Plaintiff:-

<u>Sr. No.</u>	<u>Particulars</u>	<u>Admission / Denial</u>
1.	Original Nomination form dated 07.12.1999	Denied. That the existence and the contents of the Documents are denied.
2.	Original Deed of gift dated 24.12.1999	Denied. That the existence and the contents of the Documents are denied.
3.	Original General Power of Attorney dated 6.12.1999.	Denied. That the existence and the contents of the Documents are denied.

3. Defendant is represented by Advocate Mr. Sherekar. Since the originals are produced he does not object. He however objects to their contents. He would submit that the existence and contents of the documents are denied. Be that as it may, documents are originals. All contentions of Defendants are expressly kept open to cross-examine PW-2 in accordance with law to the extent the contents of the documents.

4. I have perused the aforesaid three documents. Considering that originals of the three documents have been produced and the same been primary evidence, the said documents are taken on record

and marked as '**Exhibits P-3, P-4 and P-5**' in continuation of the order dated 02.02.2026 when cross-examination of Mr. P.G. Parekh (PW-1) was recorded and completed by this Court.

5. Additional Affidavit dated 03.02.2026 with respect to the three documents filed by Ajay Bipin Hundiwala – PW-2 is taken on record.

6. List the matter on Board on **15th April 2026** to enable the Advocate for Plaintiff to apprise the Court about the availability and presence of Ajay Bipin Hundiwala who resides in the US for the purpose of cross-examination. To be placed under the caption '**For Directions**'. Ms. Shaikh informs the Court PW-2 is likely to visit India from 20th April 2026 and accordingly Court shall be requested to keep his cross-examination either in Court or before Commissioner on the next date.

7. Accordingly appropriate orders will be passed for appointment of Court Commissioner for cross-examination or otherwise.

[MILIND N. JADHAV, J.]

Ajay
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by AJAY
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