



Ajay

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

**TESTAMENTARY SUIT NO. 40 OF 2021
WITH
INTERIM APPLICATION NO. 331 OF 2023
IN
TESTAMENTARY SUIT NO. 40 OF 2021**

Jayshree Mahesh Shah

.. Plaintiff

Versus

Kalpa Velji Shah

.. Defendant

.....

- Mr. Pankaj Kowli, Advocate i/by Dipti Nagda for Plaintiff.
- Ms. Ashwini Bhalerao a/w. Mr. Akash Warang, Advocates for Defendant.

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 05, 2025.

P.C.:

1. Heard Mr. Kowli, learned Advocate for Plaintiff and Ms. Bhalerao, learned Advocate for Defendant.
2. This is a contested Suit. On behalf of Plaintiff, Plaintiff desires to lead evidence of 3 witnesses of facts.
3. Mr. Kowli in his usual fairness informs the Court that Affidavit in lieu of examination-in-chief of all 3 witnesses has already been filed. However he would inform the Court that certain additional documents have been now been unearthed which enure to the benefit of Plaintiff's case and therefore Plaintiff desires to refer to and rely



upon them in evidence. In that regard he would submit that Plaintiff would now like to file additional Affidavit in lieu of examination-in-chief of himself alongwith additional Affidavit of documents. Petitioner is permitted to do so. However before he does that copy of additional Affidavit in lieu of examination-in-chief alongwith Affidavit of documents will be served on the Advocate for Defendant. This will be done within a period of two weeks from today. Once the Advocate for Defendant receives the additional Affidavit of documents, Advocate shall take inspection of the originals / certified copies / copies of the said additional Affidavits in the office of the Advocate for Plaintiff which shall be offered by the Advocate for Plaintiff. Mutually the Advocates shall decide the date and time of such inspection / discovery.

4. Once that inspection is carried out, within a period of two weeks therefrom Advocate for Defendant shall serve his statement of admission and denial of the documents alongwith index on Advocate for Plaintiff.

5. The matter shall be posted after six weeks in Court. On that date, original additional Affidavit of documents shall be filed in Court by the Advocate for Plaintiff alongwith additional Affidavit-in-lieu of evidence of Plaintiff and parties shall argue on admission and denial for the purpose of marking of documents in evidence.



6. Pursuant to the aforesaid exercise further order will be passed for appointment of Commissioner and taking evidence.

7. Stand over to **30th January 2026**.

[MILIND N. JADHAV, J.]

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