

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY SUIT NO. 228 OF 2024
IN
TESTAMENTARY PETITION NO. 3189 OF 2019

Nita Jain .. Plaintiff
Versus
Yasha Jain .. Defendants

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- Mr. Kalpesh Joshi a/w. Mr. Narendra Devvansh and Mr. Darshil Shah, Advocates i/by Kalpesh Joshi Associates for Plaintiff.
 - Mr. Rohit Pawaskar a/w. Mr. Sandeep Waghmare, Advocates i/by ASD Associates for Defendants.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 19, 2025.

P.C.:

1. Heard Mr. Joshi, learned Advocate for Plaintiff and Mr. Pawaskar, learned Advocate for Defendants.

2. The Commissioner who has recorded the evidence of the Plaintiff's witnesses stands appointed for recording the evidence of Defendants' witnesses. The details of the Court Commissioner are as follows:-

Ms. Sneha Goyal, Advocate,
C-401, Shiv Veer, Sector 8,
Charkop, Kandivali (W),
Mumbai 400 067.
Mobile No.9833326293
Email: snehabgoyal@gmail.com

3. Defendants propose to examine only one witness. In view of the examination-in-chief which has been filed and served on the other side. Affidavit of documents has also been filed by Defendants. All documents stand admitted by Plaintiff subject to proving the contents in accordance with law under the provisions of Section 65 read with Section 63 of the Indian Evidence Act, 1872.

4. The following documents are marked as Exhibit 'D-1' to Exhibit 'D-13' in evidence by consent of both parties.

Sr. Nos.	Particulars	Exhibit No.
1	Copy of Deed of Confirmation dated 23 rd March 2006 alongwith Agreement dated 3 rd June 1985 obtained under RTI.	D-1
2	Photocopy of Letter addressed to the Society by the Defendant	D-2
3	Letter dated 16/10/2015 written to me by the Secretary of the Kudrat CHSL	D-3
4	Photocopy of Notice dated 6/11/2015	D-4
5	Photocopy of the receipt issued by the India Post Krishna Nagar Post Office Delhi dated 6/11/2015 issued for payment of postage charges for sending the notice to Mr. Achal Jain.	D-5
6	Copy of proceeding under the Maintenance and Welfare of Parents and Senior Citizens Act 2007 obtained under Right to Information Act.	D-6
7	Photocopy Legal Notice dated 30/7/2016	D-7
8	Photocopy of the letter dated 13/8/2016	D-8
9	Photocopy of the Notice dated 13/8/2016 issued by the Kudrat CHSL to Mrs. Pawan Kumari Jain	D-9
10	Notice by Advocate Clement Lobo lawyer appointed by the Kudrat CHSL. 8/11/2016	D-10
11	Copy of Registered Gift Deed 3 rd November 2015 in favour of Mr. Achal Jain obtained under RTI	D-11

12	Copy of Letter dated 10/2/2017 submitted to Khar Police Station bearing acknowledgment.	D-12
13	Copy of Letter dated 22/3/2017 submitted to the Commissioner of Police Mumbai bearing acknowledgment.	D-13

5. Parties shall cooperate with the learned Court Commissioner in completing the cross-examination.

6. The terms and conditions stated in order 22.04.2025 shall apply and continue.

7. Stand over to **9th January 2026**.

[MILIND N. JADHAV, J.]

Ajay

Digitally signed
by AJAY
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Date: 2025.11.19
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