

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 54 OF 2006
IN
TESTAMENTARY PETITION NO. 118 OF 2006
WITH
NOTICE OF MOTION NO. 76 OF 2011**

Sandeep Narayandas Chhabria	...Plaintiff
<i>Versus</i>	
Ramesh Lachmandas Chhabria	...Defendant

Mr. Y.R. Shah, for the Plaintiff.
Mr. Dushyant Kumar, i/b Ms. Ramya Rajagopalchari, for the
Defendant.

CORAM: G.S. PATEL, J
DATED: 10th August 2015

PC:-

1. Mr. Shah, learned Advocate for the Plaintiff, closes the Plaintiff's case.

2. The Defendant seeks to have the Will examined by a Forensic Handwriting Expert. A wholly unnecessary Notice of

Motion No. 76 of 2011 is filed for this purpose. A simple application across the Bar would have sufficient.

3. Liberty to the Defendant to have their Handwriting Expert inspect the original Will No. 42 of 2006 in the Testamentary Department after obtaining a prior appointment for this purpose by way of a praecipe, a copy of which is to be served on the Advocates for the Plaintiff. It is clarified that on no account is the original Will to be taken out of the premises of the High Court. The Defendant's Expert will be entitled to take photographs of the relevant portions of the Will and to use a photocopy of the Will to be provided by the Defendant. The Defendant's Expert will then need to file an Affidavit in lieu of examination in chief along with his or her report. This will be done after the Defendant has filed his Affidavit of Evidence. The Defendant to file and serve his Affidavit of Evidence on or before 7th September 2015 along with Affidavit of Documents and compilation.

4. List the Suit for marking the Defendant's documents on 14th September 2015.

5. The application for having the Will examined by the State Forensic Handwriting Expert is expressly rejected.

6. In view of this order, Notice of Motion No. 76 of 2011 does not survive and the same is disposed of as such. No order as to costs.

(G. S. PATEL, J.)