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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 76 OF 2015
IN
TESTAMENTARY PETITION NO. 41 OF 1995
AND
TESTAMENTARY SUIT NO. 28 OF 1995**

Kirit Navnitlal Damania & Anr.	...Plaintiffs
<i>Versus</i>	
Smt. Anuradha Anil Bhagwat & 3 Ors.	...Defendants

Mr. Nitin Thakkar, Senior Advocate, with Mr. T.G. Vora, i/b Mr. D.R. Mishra, for the Plaintiffs/ Applicants.
Mr. Vaibhav Parshurami, i/b Mr. V.V. Parshurami, for Defendants Nos. 1 to 4.

CORAM: G.S. PATEL, J
DATED: 24th July 2015

PC:-

1. Heard. Mr. Thakkar, learned Senior Advocate on behalf of the Plaintiffs, submits that the Plaintiffs should be entitled to lead evidence of one additional witness in support of due execution of the Will. Although the evidence of the Plaintiffs was previously

closed, given the fact that the Defendants chose then not to lead any evidence, the Notice of Motion is allowed in terms of prayer clause (a), which reads as follows:

“(a) That the Applicant/Petitioner be granted liberty to examine Mrs. Prema B. Majumdar, as PW-3 for the purpose of giving evidence in the above matter to prove the Will of the deceased Miss Shashikala Baburao Alandkar for and on behalf of the Applicant/Petitioner;”

2. It is clarified that if after the cross-examination of this witness Defendants desire to lead evidence, they will now be at liberty to do so.

3. Affidavit of Evidence of Mrs. Prema B. Majumdar, PW3, will be filed and served on or before 10th August 2015.

4. List the Suit on 21st August 2015 for cross-examination of P.W. 3.

(G. S. PATEL, J.)