

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 82 OF 2015
IN
TESTAMENTARY SUIT NO. 86 OF 2012
IN
TESTAMENTARY PETITION NO. 1265 OF 2011**

Kalavati Dinesh Mistry	...Plaintiff
<i>Versus</i>	
Nalini Prabhubhai Mistry & 2 Ors.	...Defendants

Mr. A. Dasgupta, *i/b M/s. Jhangiani Narula & Associates, for the Applicants/Defendants.*
Ms. Bhadra Dalal, *for the Plaintiff.*

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

PC:-

1. Heard. The Defendants seek leave to have their handwriting expert take photographs of the alleged signature of the deceased on the Will in dispute and other documents set out in prayer clause (a) of this Notice of Motion. The documents other than Will are already marked in evidence. Leave granted.

2. The Notice of Motion is made absolute in terms of prayer clause (a), subject to the following:
3. The Advocates for the Defendants will file a praecipe seeking a date and time when their expert can visit the Registry to take inspection and photographs of the deceased on the disputed Will. A copy of this praecipe will be sent to the Advocates for the Plaintiff, who will be entitled to remain present at that time, if he so wish.
4. The Defendants' handwriting expert is not at liberty to take the Will outside the premises of the High Court under any circumstances. The photographs of the Will are to be taken in the presence of an officer of the Registry.

(G. S. PATEL, J.)