

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 107 OF 2009
IN
TESTAMENTARY PETITION NO. 332 OF 2003
WITH
CHAMBER SUMMONS NO. 166 OF 2014**

Mr. Noshir Rustom Aga	...Applicant
<i>In the matter between</i>	
Mr. Noshir Rustom Aga	...Plaintiff
<i>Versus</i>	
Mr. Behram Rustom Aga & Anr.	...Defendants

Mr. Makarand Bakore, for the Plaintiff.

**CORAM: G.S. PATEL, J
DATED: 18th February 2015**

PC:-

1. The attesting witness, one Hoshi Chinwalla, has sworn an affidavit dated 12th February 2015. He is personally present in Court. In view of the statements made in the affidavit, the Will of Gool Rustom Aga is taken on record and marked in evidence as **Exhibit “P1”**. It is clarified that the marking of Will does not mean that the Defendants have accepted the due execution or validity and

veracity of the contents of this document, all of which are subject to cross-examination.

2. The propounder (Plaintiff) wishes to lead in evidence additional documents. List the matter for marking of Plaintiff's documents on 12th March 2015 at 1.00 p.m.

3. In view of this, the Chamber Summons is infructuous and is allowed to be withdrawn with no order as to costs.

(G. S. PATEL, J.)