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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 7 OF 2010
IN
TESTAMENTARY SUIT NO. 5 OF 1991
IN
TESTAMENTARY PETITION NO. 595 OF 1989**

Kantilal Khimji Alias Kantilal Khimji Tejookaya & Another	...Plaintiffs
<i>Versus</i>	
Pravinkumar Khimji Alias Pravinkumar Khimji Tejookaya	...Defendant

None for the Plaintiffs.
None for the Defendant.

CORAM: G.S. PATEL, J
DATED: 4th July 2016

PC:-

1. This is a Notice of Motion by the Defendant. None appears.

2. In any case, I do not see how prayer (a) can be granted. This asks that a document already marked in evidence be “cancelled”. That cannot be granted. Apart from anything else, paragraph 4 of the Affidavit in Support indicates that the marking effected by the Commissioner was by consent.

3. The next relief is “for setting aside” the minutes recorded by the Commissioner on 13th January 2010. That, too, is not maintainable.
4. The third prayer is to allow the Defendant to cross-examine the 1st Plaintiff to the Suit. This must be rejected simply because none appears for the Defendant.
5. The Notice of Motion is dismissed with no order as to costs.

(G. S. PATEL, J.)